

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF MAY 27, 2005

(Published June 4, 2005, in *Finance and Commerce*)

Council Chamber
350 South 5th Street
Minneapolis, Minnesota
May 27, 2005 - 9:30 a.m.

Council President Ostrow in the Chair.

Present - Council Members Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Zerby, Lilligren, Johnson Lee, Niziolek, Benson, Goodman, President Ostrow.

Lilligren moved adoption of the agenda.

Niziolek moved to amend the agenda to add under New Business to Discharge the Public Safety & Regulatory Services Committee from further consideration of the On-Sale Beer License application submitted by Tin Fish, 1900 Knox Av S. Seconded

Adopted upon a voice vote.

The agenda, as amended, was adopted.

Lilligren moved acceptance of the minutes of the regular meeting held May 13, 2005. Seconded.

Adopted upon a voice vote.

Lilligren moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote.

PETITIONS AND COMMUNICATIONS

CLAIMS:

RISK MANAGEMENT (270415)

Tort Claims Summary Report: 1st quarter 2005.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270416)

Land Sales: Authorize sale of properties at 2717 S 8th St, 1401 Plymouth Ave N, 4322 34th Ave S, 4216 34th Ave S, 3547 Upton Ave N, 3406 Emerson Ave N, 102 W 32nd St, 1900 Willow Av (Former Lowell School Site), and 1014 30th Av N.

St. Anthony Mills Apartments Project: Preliminary approval to issue of up to \$9,100,000 in housing revenue bonds.

Albright Townhomes Project: Final approval to issue multifamily housing revenue bonds in an amount up to \$2,105,000.

Minneapolis Public Housing Authority (MPHA) Board: Approve appointment of William L. Dooley, Jr. and Darlene Rogers.

Parcel F (900 Washington Av S): Grant exclusive development rights to Sherman Associates for up to 12 months.

St. Olaf Residence, Inc. (2912 Fremont Av N & 2929 Emerson Av N): Grant final approval to issue of up to \$4.5 million in tax-exempt 501(c)(3) Revenue Bonds.

Neighborhood Improvement Company: Approve write-off of bad debt.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270417)

St. Anthony Mills Apartments Project: Accept grant award from the St. Anthony Falls Heritage Board for a historical archeological study.

Urban Village Project: Authorize execution of contract with Minnesota Department of Transportation for advance construction of promenade.

HEALTH AND HUMAN SERVICES (See Rep):

HEALTH AND FAMILY SUPPORT SERVICES (270418)

Public Health Advisory Committee: Resolution commending Marnie Wells for dedicated service as Co-Chair of the Minneapolis Public Health Advisory Committee and to extend appreciation for her participation and leadership.

HEALTH AND HUMAN SERVICES and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270419)

First Opportunity Delinquency Prevention Program: Accept \$50,000 and execute contract with Minnesota Department of Public Safety to expand caseload from 25 to 50 youth at Folwell Middle School in Phillips Neighborhood.

HEALTH AND FAMILY SUPPORT SERVICES (270420)

Phillips Weed & Seed: Transfer \$36,400 to Police Department to implement law enforcement strategies in Phillips Zone (Community Response Team; Directed Patrol Teams; and community policing efforts); Transfer \$7,313 of unspent 2004 allocation to Health & Family Support to reallocate funds to support expenditures in direct relationship to 2004 Federal Weed & Seed Law Enforcement Plan; and Transfer \$18,600 to Police Department to implement law enforcement strategies in Phillips Zone, including Little Earth Campus, focusing on Gang, Guns and Narcotics (saturation details and community policing/Native Response Team).

Minneapolis Community Lead Outreach Project: Submit grant application to United States Department of Housing and Urban Development seeking up to \$500,000 to increase enrollment of housing of low income, at risk children and pregnant women through outreach and education activities into lead abatement and treatment programs.

Lead Partners: Accept three agencies as Eligible Providers -- Minnesota Visiting Nurse Agency; Way to Grow; and Sustainable Resource Center; and Execute contracts with one or more of the eligible providers during 2005 to 2008 period, as needed.

INSPECTIONS DEPARTMENT (270421)

National Association of County and City Health Officials Grant: Execute contract with Hennepin County to act as sub-grantee to coordinate grant activities for planning responses to potential threats to food, water and safety during a disaster or public health emergency; and approve appropriation.

INTERGOVERNMENTAL RELATIONS (See Rep):

INTERGOVERNMENTAL RELATIONS (270422)

2006 Capital Bonding Requests.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (270823)

Report on Chronic Offenders.

FIRE DEPARTMENT (270424)

Cardiac Arrest Research Study: Minneapolis Community Consultation.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

COUNCIL MEMBER SCHIFF (270425)

Shopping Carts: Photographs depicting shopping carts near the Lake Street LRT Station.

LICENSES AND CONSUMER SERVICES (270426)

Urban Bean Coffee (3255 Bryant Av S): Grant Sidewalk Café License; with attachment (petition in support).

Café Blue (2524 Nicollet Av): Grant Sidewalk Café License.

Charging Business Licensees the Cost of Added Police Services: Staff directed to implement two strategies -- to incorporate standard cost recovery into TAC process; and to request additional enforcement costs when an administrative citation has been appealed.

Licenses: Applications.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

POLICE DEPARTMENT (270427)

Police Squad Mobile Data Computer System: Amend contract with BIO-key International Incorp for payment of computer system maintenance services through 2006 (\$200,000); and for subsequent services agreements as needed, at rate of \$100,000 per year.

Minnesota Gang Strike Force: Amend grant agreement to increase grant award by \$20,194 to support maintenance of vehicles used by Gang Strike Force members; and Approve appropriation.

Grants to Encourage Arrest Policies: Amend grant agreement with Tubman Family Alliance to provide no-cost extension to continue domestic violence advocacy services until all grant funds are expended.

FBI Joint Terrorism Task Force: Accept \$80,000 and execute reimbursement agreement with Federal Bureau of Investigation for reimbursement of overtime expenses for officers participating on Task Force; and Approve appropriation.

TAXES (BOARD OF EQUALIZATION) (See Rep):

CITY CLERK (270428)

Board of Equalization: Report of Special Board of Review.

TRANSPORTATION AND PUBLIC WORKS:

PUBLIC WORKS AND ENGINEERING (270429)

Minneapolis Combined Sewer Overflow Program: Annual Report.

PUBLIC WORKS AND ENGINEERING (270430)

Stormwater Utility: Receive & file report of staff recommendations on billing of Multi-Family Residential land use classification and staffing concerns.

Parking Fund: Receive & file annual update of financial condition of Parking Fund.

I-94 Commons Study: Receive & file Minnesota Department of Transportation (MnDOT) Metro District Report.

Minneapolis Street Lighting: Receive & file status update on Street Lighting Service Provisions.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (270431)

Lake Street (27th Av S to W River Parkway): Support Hennepin County variance to Minnesota Department of Transportation (MnDOT) Office of State Aid for reduced parking lane widths.

NPDES Permit Annual Report: Adopt City of Minneapolis and Minneapolis Park and Recreation Board Stormwater Management Program and Annual Report.

Midtown Greenway (Phase 3): Authorize Limited Use Permit Agreement with MnDOT to allow the Greenway to be placed on MnDOT right-of-way.

Harriet Maintenance Facility: Change Order to Contract C-20530 with McFarland Construction Company.

Fridley Maintenance Facility: Change Order to Contract C-20506 with James Steele Construction.

Red Rock Corridor: Authorize Amended and Restated Joint Powers Agreement, and appoint Paul Ostrow to Red Rock Corridor Commission and Klara Fabry as alternate.

2004 Lane Use Report: Receive and file report, and approve three revisions to Right-of-Way Permit Fee Structure.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET (See Rep):

PUBLIC WORKS AND ENGINEERING (270432)

Harrison Neighborhood (Glenwood Av N from W Lyndale Ave N to Thomas Ave N) Lighting Project:

- a) Order work to proceed and adopt special assessments;
- b) Request Board of Estimate and Taxation to sell assessment bonds;
- c) Increase appropriation for project;
- d) Give preliminary approval establishing Street Lighting District #1316; and
- e) Comments.

Irving Av N Sanitary Sewer Project #4376:

- a) Order work to proceed and adopt special assessments;
- b) Request Board of Estimate and Taxation to sell assessment bonds; and
- c) Increase appropriation for project.

2005 Alley Retaining Wall Restoration Program, No. FS05#2:

- a) Order work to proceed and adopt special assessments; and
- b) Request Board of Estimate and Taxation to sell assessment bonds.

Check Guarantee Service: Contract with Certegy Check Services for services at Impound Lot.

Bid: OP #6421, Bid of Hawkins, Inc. for hydrochloric acid.

WAYS AND MEANS BUDGET:

COORDINATOR (270433)

New Central Library Project: Change Management Actions. Receive and File.

FINANCE & PUBLIC WORKS DEPARTMENTS (270434)

Parking Fund Workout Plan: Annual update on the financial workout plan to improve Financial condition of the Parking Fund. Receive and File.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (270435)

Legal Settlements: a) Michelle Gearld; and b) Felicia & James Ricks.

Court Reporting Services: 3 year contract with Kirby A. Kennedy & Associates and Pat Carl & Associates.

Courier Services: 3 year contract with You've Been Served, Inc.

BUSINESS INFORMATION SERVICES (270436)

Minneapolis City Attorney Case Management System: Approval to terminate existing contract with CYBERCHANNEL, INC. d/b/a, LegalEdge Software; Negotiate and execute a contract with RealLegal, LLC.

COMMUNICATIONS (270437)

Utility Bill Insert: July 2005 "Household hazardous waste drop-off sites and schedules.

Staff directive: Develop policy regarding elected officials' newsletters / website content and use of photos.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270438)

General Mills Foundation: Acceptance of \$10,000 for the Renovation of Northeast Neighborhood Gateway.

CONVENTION & VISITORS ASSOCIATION OF GREATER MPLS (270439)

Bid OP# 6439: Accept low bid of Swanson & Youngdale for Wall Fabric and Installation.

COORDINATOR (270440)

New Central Library Project: a) Change Order No. 6 to Contract Number C-20366 with Egan Companies, Inc. d/b/a/ Egan Mechanical; and b) Change Order No. 5 to Contract Number C-20481 with PCL Construction Services, Inc.; and c) Change Order No. 5 to Contract Number C-20345 with Egan Companies, Inc. d/b/a Egan Electrical.

FINANCE DEPARTMENT (270441)

US Bank for Trust and Custody Services: Authorize staff to enter into contract relating to the City's operating investments and VEBA plan.

HUMAN RESOURCES (270442)

Plumbers Local #15, Water Works Maintenance Unit: Execute 3-year collective bargaining labor agreement.

International Union of Operating Engineers (I.U.O.E.), Local #49: Execute 30-month collective bargaining labor agreement.

International Association of Fire Fighters, Local #82: Execute 3-year wage only "re-opener" collective bargaining labor agreement.

Assistant Chief of Police: Classification of the position as a Grade 17; and adopt Salary Ordinance establishing salary schedule.

PUBLIC WORKS AND ENGINEERING (270443)

2006 Nicollet Mall Operating Budget: Approval of budget, direction to prepare assessment roll, and Resolution increasing Streets and Malls - Nicollet Mall 2005 Appropriation in the General Fund.

REGULATORY SERVICES (270444)

Healthy Homes HUD Grant: Authorize application for up to \$1,000,000 in funds from the Department of Housing and Urban Development (HUD) grant program.

Lead-safe Housing MDH Grant: Authorize application for \$25,000 in funds from the State of Minnesota Department of Health.

WAYS AND MEANS BUDGET and ZONING AND PLANNING (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (270445)

Industrial Land Use and Employment Study: Authorize contract not to exceed \$130,000 with Maxfield Research Inc.

Midtown Greenway master planning activity: Authorize contract not to exceed \$80,000 with Short Elliott Hendrickson Inc.

ZONING AND PLANNING:

PLANNING COMMISSION/DEPARTMENT (270446)

Appeals:

Brad Schaeppi (re Pillsbury Townhomes, 2619 Pillsbury Ave S): Re conditional use permit, site plan review & variance for six-unit development; Withdrawal of appeal.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (270447)

Appeals:

Andy Wilhoit, dba At Home Apartments (3000-10 W River Pkwy S): Re conditional use permit & variances for 36-unit apartment building;

Diane Thibodeaux (re T-Mobile, 2101 W Broadway Ave): Conditional use permit for telecommunications tower.

Rezoning:

At Home Apartments (3000-10 W River Pkwy S) (See Appeals).

Vacations:

Ribnick Family Partnership (3rd Ave N northeasterly of 1st St N);

Regents of the University of Minnesota (re 2015 Bloomington Ave S).

Pillsbury A Mill Complex (Main St & 2nd St SE from 3rd Ave SE to 5th Ave SE & continuing along Main St to 6th Ave SE): Determination on Final Environmental Impact Statement.

FILED:

CITY CLERK/SPECIAL PERMITS (270448)

17th Ave SE, 1043 (Peter Grotams) move garage;

43rd St W, 3100 (Marc Holtey) pony rides at Linden Hills Park.

The following reports were signed by Mayor Rybak on June 2, 2005, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The **CLAIMS** Committee submitted the following report:

Claims – Your Committee recommends passage of the accompanying Resolution approving and denying claims appealed from the Staff Claims Committee.

Adopted 5/27/05.

Resolution 2005R-293, approving and denying claims appealed from the Staff Claims Committee to the Claims Committee of the Minneapolis City Council, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-293

By Zimmermann

Approving and denying claims appealed from the Staff Claims Committee to the Claims Committee of the Minneapolis City Council.

Resolved, by The City Council of The City of Minneapolis:

That the following claims appealed from the Staff Claims Committee be approved and denied as set forth below:

- a) William Frye, 507 Humboldt Av
Vehicle Towing (\$133)

*Claims Committee Recommendation: **Denial***

- b) Gracie Holman, PO Box 75015, St. Paul
Sale of Vehicle (\$749.67)

*Claims Committee Recommendation: **Denial***

- c) Ryan Kolberg, 7521 5th Av S
Vehicle Towing (\$133)
Claims Committee Recommendation: Denial
- d) Patrick McMahon, 280 Duke St, St. Paul
Bodily Injury (Unknown)
Claims Committee Recommendation: Denial
- e) T.A.G. Company/Arnold Goldman, 3401 Colfax Av S
Property Damage (\$11,518.97)
Claims Committee Recommendation: Denial
- f) Arvid Franson, 1210 W 28th St
Vehicle Towing (\$205)
Claims Committee Recommendation: Approval, based on the documented emergency hospitalization of the claimant.

Adopted 5/27/05.

The **COMMUNITY DEVELOPMENT** Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolutions authorizing the sale of the property at 2717 S 8th St to Kathy Ringhofer for \$30,000 or, if that sale fails to close, to Mohammad Thabet for \$30,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolutions 2005R-294 and 2005R-295, authorizing the sale of 2717 S 8th St, were adopted 5/27/05 by the City Council. A complete copy of each resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-294

By Goodman

Authorizing sale of land Cedar-Riverside Disposition Parcel No. CR 80-5.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel CR 80-5, in the Cedar-Riverside neighborhood, from Kathy Ringhofer, hereinafter known as the Redeveloper, the Parcel CR 80-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 6, A.Y. Davidson's Re-Subdivision of Lots 1, 2, 13, & 14, Block 19, Murphy's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$30,000, for Parcel CR 80-5 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2008, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled

Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Cedar-Riverside plan, as amended, is hereby estimated to be the sum of \$30,000 for Parcel CR 80-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-295

By Goodman

Authorizing sale of land Cedar-Riverside Disposition Parcel No. CR 80-5.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel CR 80-5, in the Cedar-Riverside neighborhood, from Mohammad Thabet, hereinafter known as the Redeveloper, the Parcel CR 80-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 6, A.Y. Davidson's Re-Subdivision of Lots 1, 2, 13, & 14, Block 19, Murphy's Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$30,000, for Parcel CR 80-5 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2008, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Cedar-Riverside plan, as amended, is hereby estimated to be the sum of \$30,000 for Parcel CR 80-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1401 Plymouth Av N to Northside Residents Redevelopment Council for \$22,000 with a conservation easement, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-296, authorizing the sale of 1401 Plymouth Av N, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-296

By Goodman

Authorizing sale of land Disposition Parcel No. NN 97-9.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel NN 97-9, in the Near North neighborhood, from Northside Residents Redevelopment Council (NRRC), hereinafter known as the Purchaser, the Parcel NN 97-9, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 1, Block 1, Oak Park Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$22,000, for Parcel NN 97-9, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the lot is located within the Grant Urban Renewal Plan, which was adopted on February 28, 1964 and the sale is therefore consistent with the City's Comprehensive Plan; and

Whereas, the City has determined the offer of \$22,000 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on March 25, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 3, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Grant Urban Renewal Plan, as amended, is hereby estimated to be the sum of \$22,000.00 for Parcel NN 97-9.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 4322 34th Av S to Constance Loraine Bennett for \$280, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-297, authorizing the sale of 4322 34th Av S, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-297

By Goodman

Authorizing sale of land Hiawatha Housing Disposition Parcel No. HIA 13-3K.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel HIA 13-3K, in the Standish-Ericsson neighborhood, from Constance Loraine Bennett, hereinafter known as the Purchaser, the Parcel HIA 13-3K, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Outlot D, Hiawatha Place.

Being registered land as is evidenced by Certificate of Title No. 1142769.

Whereas, the Purchaser has offered to pay the sum of \$280, for Parcel HIA 13-3K, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, on March 11, 2005, City Council approved the Waiving of Planning Commission's review for certain real estate transactions (including sideyard dispositions) that have no relationship to the City's Comprehensive Plan.

Whereas, the City has determined the offer of \$280 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 17, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota; and

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the HIA 13-3K is hereby estimated to be the sum of \$280.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 4216 34th Av S to Ronald C. Doll for \$280, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-298 authorizing the sale of the property at 4216 34th Av S to Ronald C. Doll, was adopted 5/27/05 by the City Council. A complete copy of the resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-298

By Goodman

Authorizing sale of land Hiawatha Housing Disposition Parcel No. HIA 12-1.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase the Disposition Parcel HIA 12-1, in the Standish-Ericsson neighborhood, from Ronald C. Doll, hereinafter known as the Purchaser, the Parcel HIA 12-1, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Outlot B, Hiawatha Place.

Being registered land as is evidenced by Certificate of Title No. 1142724.

Whereas, the Purchaser has offered to pay the sum of \$280, for Parcel HIA 12-1, to the City for the land; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission's review was waived on March 11, 2005 by the City Council; and

Whereas, the City has determined the offer of \$280 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the City's accepted methods in determining a re-use value for the Parcel; and

Whereas, the City's Real Estate Disposition Policy provided in Section 2.2.13 for the sale of land for sideyard; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 17, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for the HIA 12-1 is hereby estimated to be the sum of \$280.

Be It Further Resolved that the acceptance of the offer and Purchaser's proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and maintain the Parcel in accordance with the contract for the sale of land.

Be It Further Resolved that the offer is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City of the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3547 Upton Av N to The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC) for \$35,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-299 authorizing the sale of the property at 3547 Upton Av N to The Greater Metropolitan Housing Corporation of the Twin Cities, was adopted 5/27/05 by the City Council. A complete copy of the resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-299

By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. VH-166.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-166, in the Cleveland neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC), hereinafter known as the Redeveloper, the Parcel VH-166, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 4 and the South 1/2 of Lot 3, Block 2, Berry's 1st Addition to Minneapolis.

Whereas, the Redeveloper has offered to pay the sum of \$35,000, for Parcel VH-166 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$35,000 for Parcel VH-166.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 3406 Emerson Av N to The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC) for \$22,500, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-300 authorizing the sale of the property at 3406 Emerson Av N to The Greater Metropolitan Housing Corporation of the Twin Cities, was adopted 5/27/05 by the City Council. A complete copy of the resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-300
By Goodman

Authorizing sale of land Vacant Housing Recycling Program Disposition Parcel No. VH-113

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel VH-113, in the Folwell neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC), hereinafter known as the Redeveloper, the Parcel VH-113, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 17, Block 4, Livingston Park.

Whereas, the Redeveloper has offered to pay the sum of \$22,500, for Parcel VH-113 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Vacant Housing Recycling Program plan, as amended, is hereby estimated to be the sum of \$22,500 for Parcel VH-113.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 102 W 32nd St to Lyndale Neighborhood Development Corporation for \$4,580 for use as a community garden with a conservation easement.

Adopted 5/27/05.

Resolution 2005R-301, authorizing the sale of 102 W 32nd St, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-301
By Goodman

Authorizing sale of land Model Cities Urban Renewal Program Disposition Parcel No. MC 366-1.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel MC 366-1, in the Lyndale neighborhood, from Lyndale Neighborhood Development Corporation, hereinafter known as the Purchaser, the Parcel MC 366-1, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

South 81.75 feet of Lot 5, Block 2, L.H. Cole's Addition to Minneapolis.

Whereas, the Purchaser has offered to pay the sum of \$4,580, for Parcel MC 366-1, to the City for the land, and the Purchaser's proposal is in accordance with the applicable Redevelopment Plan; and

Whereas, the Purchaser has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the Planning Commission reviewed the sale for consistency with the Comprehensive Plan, the results of which were reported to the City Council; and

Whereas, the City has determined the offer of \$4,580 to purchase the Parcel to be reasonable; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with accepted methods of aiding the City in determining a re-use value for the Parcel; and

Whereas, the City's CPED Disposition Policy provided in Section 2.2.14 for the sale of land for a community garden for a price of \$4,580; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on said proposal and proposed sale and the provisions thereof, was duly held on May 17, 2005, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value, for uses in accordance with the Model Cities Urban Renewal Program, as amended, is hereby estimated to be the sum of \$4,580, for Parcel MC 366-1.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Purchaser possesses the qualifications and financial resources necessary to acquire and develop the Parcel in accordance with the Redevelopment Plan.

Be It Further Resolved that the proposal is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver the contract to the Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee, having under consideration the Lowell Redevelopment Plan by Project for Pride in Living, Inc. (PPL) and Twin Cities Habitat for Humanity including development of single-family homes on the former Lowell School Site and 17 adjacent vacant lots in the Jordan Neighborhood, now recommends:

- a) Passage of the accompanying resolution authorizing the sale of the former Lowell School Site property at 1900 Willow Av to PPL for \$142,500; and
- b) Approval of the use of Vacant Housing Recycling Funds in an amount not to exceed \$220,000 to cover the acquisition cost and provide value gap assistance to PPL.

Adopted 5/27/05.

Approved by Mayor Rybak 6/1/05.

(Published 6/2/05)

Resolution 2005R-302, authorizing the sale of the former Lowell School Site at 1900 Willow Av, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-302

By Goodman

Authorizing sale of land Lowell School Site Redevelopment Project Disposition Parcel No. JOR 76-5.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel JOR 76-5, in the Jordan neighborhood, from Project for Pride In Living, Inc., hereinafter known as the Redeveloper, the Parcel JOR 76-5, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

(See Exhibit A in Petn No 270416

Whereas, the Redeveloper has offered to pay the sum of \$142,500, for Parcel JOR 76-5 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the Lowell School Site Redevelopment Project plan, as amended, is hereby estimated to be the sum of \$142,500 for Parcel JOR 76-5.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

Approved by Mayor 6/1/05

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing the sale of the property at 1014 30th Av N to The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC) for \$32,000, subject to the following conditions:

- 1) Land sale closing must occur on or before 30 days from date of City Council approval; and
- 2) Payment of holding costs of \$150.00 per month from the date of City Council approval to the date of closing if land sale closing does not occur on or before 30 days from date of approval.

The sale conditions may be waived or amended with the approval of the CPED Director.

Adopted 5/27/05.

Resolution 2005R-303 authorizing the sale of the property at 1014 30th Av N to The Greater Metropolitan Housing Corporation of the Twin Cities, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-303

By Goodman

Authorizing sale of land West Lowry Avenue Redevelopment Plan Disposition Parcel No. GC-275.

Whereas, the City of Minneapolis, hereinafter known as the City, has received an offer to purchase and develop Disposition Parcel GC-275, in the Hawthorne neighborhood, from The Greater Metropolitan Housing Corporation of the Twin Cities (GMHC), hereinafter known as the Redeveloper, the Parcel GC-275, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

Legal Description

Lot 17, Block 10, The Oakland Addition to Minneapolis.

Being registered land as is evidenced by Certificate of Title No. 1142856.

Whereas, the Redeveloper has offered to pay the sum of \$32,000, for Parcel GC-275 to the City for the land, and the Redeveloper's proposal is in accordance with the applicable Redevelopment Plan and/or Program; and

Whereas, the Redeveloper has submitted to the City a statement of financial responsibility and qualifications; and

Whereas, the City has had the re-use value reviewed by an appraisal expert, stating that the re-use value opinion is consistent with the accepted methods in aiding the City in determining a re-use value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on May 6, 2005, a public hearing on the proposed sale was duly held on May 17, 2005, at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the re-use value for uses in accordance with the West Lowry Avenue Redevelopment plan, as amended, is hereby estimated to be the sum of \$32,000 for Parcel GC-275.

Be It Further Resolved that the acceptance of the offer and proposal is hereby determined to be in accordance with the City's approved disposition policy and it is further determined that the Redeveloper possesses the qualifications and financial resources necessary to acquire and develop the parcel in accordance with the Redevelopment Plan and/or Program.

Be It Further Resolved that the proposal be and the same is hereby accepted, subject to the execution of a contract for the sale of land. Furthermore, that the Finance Officer or other appropriate official of the City be and the same is hereby authorized to execute and deliver the contract to the Redeveloper; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to the Redeveloper in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate City official of the City.

Adopted 5/27/05.

Comm Dev - Your Committee, having under consideration a request Brighton Development Corporation for the issuance of revenue bonds for the St. Anthony Mills Apartments at Washington Av N and Chicago Av and, having held a public hearing thereon, now recommends passage of the accompanying resolution granting preliminary approval to the issuance of up to \$9,100,000 in housing revenue bonds for said project.

Adopted 5/27/05.

Resolution 2005R-304 granting preliminary approval to the issuance of up to \$9,100,000 in housing revenue bonds for the St. Anthony Mills Apartments Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-304
By Goodman

Giving preliminary approval to the issuance of tax-exempt multifamily housing revenue bonds under Minnesota Statutes, Chapter 462C, for the purpose of financing a housing program consisting of the acquisition and construction of a multifamily rental housing development for the benefit of BD St. Anthony Mills Limited Partnership, its general partner, Brighton Development Corporation, or an affiliate.

Whereas, the City of Minneapolis, Minnesota (the "City"), is authorized, pursuant to Minnesota Statutes, Chapter 462C, as amended (the "Act"), to develop and administer programs to finance one or more multifamily housing developments within its boundaries; and

Whereas, Section 462C.07 of the Act authorizes the City to issue and sell revenue bonds or obligations to finance programs for the multifamily housing developments; and

Whereas, representatives of BD St. Anthony Mills, Limited Partnership, a Minnesota limited partnership whose general partner is Brighton Development Corporation, or an affiliated entity (the "Developer"), has requested that the City adopt a multifamily housing development program (the "Program") to provide for the issuance of tax-exempt multifamily housing revenue bonds in an aggregate principal not to exceed approximately \$9,100,000 (the "Bonds") for the purpose of loaning the proceeds thereof to the Developer to finance the acquisition and construction by the Developer of a 93-unit multifamily rental housing development consisting of one five-story building to be located at the northwest corner of the intersection of Washington Avenue and Chicago Avenue in the City (the "Project"); and

Whereas, the Community Development Committee of the Minneapolis City Council, on behalf of the City, held a public hearing on the Program and the proposed issuance of the Bonds on a date at least fifteen (15) days following the publication in a newspaper of general circulation in the City of a notice of such public hearing; and

Whereas, the Program was submitted to the Metropolitan Council for its review and comment in accordance with the requirements of the Act; and

Whereas, the City has been advised by the Developer that conventional commercial financing is available to pay the capital costs of the Project only on a limited basis and at such high costs of borrowing that the scope of the Project and the economic feasibility of its operations would be significantly affected; and

Whereas, the City shall not be liable on the Bonds, and the Bonds shall not constitute a debt of the City within the meaning of any state constitutional provision or statutory limitation, the Bonds shall not constitute or give rise to a charge against the general credit or taxing powers of the City, the Bonds shall not constitute or give rise to a pecuniary liability of the City, and the Bonds shall be payable solely out of any funds and properties expressly pledged as security therefor;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Program is hereby approved and adopted by the City.

Be It Further Resolved that the issuance of the Bonds pursuant to the Program in an aggregate principal amount of not to exceed approximately \$9,100,000 is hereby preliminarily approved.

Be It Further Resolved that the foregoing preliminary approval of the issuance of the Bonds shall be subject to final determination by the City of terms and conditions and shall not constitute an irrevocable commitment on the part of the City to issue the Bonds.

Be It Further Resolved that the staff of the City is hereby authorized, in cooperation with bond counsel, to take all steps necessary and desirable to proceed to develop the Program and financing therefor.

Adopted 5/27/05.

Comm Dev - Your Committee, having under consideration a request for refunding of the revenue bonds for the Albright Townhomes Project at 3051 Pillsbury Av S to allow for completion of a rehabilitation project, now recommends:

a) Passage of the accompanying resolution giving final approval to the refinancing of the current exempt bond debt in the amount of \$2,105,000 with a direct placement loan for the Albright Townhomes (formerly Findley Place Townhomes);

b) Approval to restructure existing debt for the project for a longer term (Petr No 270416);

c) That the proper City officers be authorized to execute documents appropriate to said actions.

Adopted 5/27/05.

Resolution 2005R-305 granting final approval to the refinancing of current exempt bond debt for the Albright Townhomes Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-305

By Goodman

Authorizing the issuance, sale and delivery of a multifamily housing revenue refunding note (Albright Townhomes Project), Series 2005 and the execution and delivery of documents relating thereto.

Resolved by The City Council of The City of Minneapolis (the "Issuer") as follows:

Section 1. Findings. The Issuer hereby finds, determines and declares as follows:

1.1. Authority. The Issuer is authorized by the laws of the State of Minnesota, particularly Minnesota Statutes, Chapter 462C, as amended (the "Act"), to carry out the public purposes described therein by issuing revenue obligations and revenue refunding obligations to finance or refinance multifamily rental housing developments and by entering into any agreements made in connection therewith and pledging them as security for the payment of the principal of and interest on any such bonds.

1.2. Prior Bonds. The Issuer has previously issued its \$3,035,000 Multifamily Housing Revenue Bonds (Findley Place Townhomes Project), Series 1994 (the "Prior Bonds") and loaned the proceeds thereof to Exodus/Lyndale/Windsor Limited Partnership ("ELW") to finance the acquisition and rehabilitation of an 89-unit multifamily rental townhome project (the "Project"). ELW subsequently changed its name to CHDC Albright Limited Partnership (the "Borrower") in connection with the transfer of the general partnership interest therein to CHDC Albright, LLC.

1.3. Note. The Borrower has requested that the Issuer issue its Multifamily Housing Revenue Note (Albright Townhomes Project) Series 2005 (the "Note") in an aggregate principal amount not exceeding \$2,105,000, to refund the outstanding principal amount of the Prior Bonds in order to refinance the Project.

1.4. Public Hearing. As required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the Community Development Committee of the City Council of the Issuer on May 17, 2005 held a public hearing regarding the issuance of the Note to finance the Project, following the publication of notice thereof in a newspaper of general circulation in the Issuer not fewer than 14 days prior to the date thereof.

1.5. Determination to Issue Note. The issuance and sale of the Note by the City, pursuant to the Act, are desirable and in the best interest of the Issuer. The Issuer hereby determines to issue the Note and to sell the same to U.S. Bank National Association (the "Lender"), as provided herein.

1.6. Loan Agreement. Pursuant to a Loan Agreement (the "Loan Agreement") to be entered into between the Issuer and the Borrower, the Borrower will agree to repay the Note in specified amounts and at specified times sufficient to pay in full when due the principal of, premium, if any, and interest on the Note. In addition, the Loan Agreement contains provisions relating to the maintenance and operation of the Project, indemnification, insurance and other agreements and covenants which are required or permitted by the Act and which the Issuer and Borrower deem necessary or desirable for the refinancing of the Project. A draft of the Loan Agreement has been submitted to the Issuer.

1.7. Pledge Agreement. Pursuant to a Pledge Agreement (the "Pledge Agreement") to be entered into between the Issuer and Lender, the Issuer will pledge and grant a security interest in all of its right, title and interest in the Loan Agreement to the Lender (except for certain rights of indemnification and to reimbursement for certain costs and expenses). A draft of the Pledge Agreement has been submitted to the Issuer.

1.8. Mortgage. Pursuant to a Mortgage, Security Agreement, Assignment of Leases and Rents and Fixture Financing Statement (the "Mortgage") to be executed by the Borrower in favor of the Issuer, the Borrower will secure payment of amounts due under the Loan Agreement and Note by granting to the Issuer a mortgage and security interest in the property described therein. Pursuant to an Assignment of Mortgage to be executed by the Issuer (the "Assignment"), the Issuer will assign the Mortgage to the Lender.

1.9. Tax Compliance Agreement. Certain requirements required to preserve the tax-exempt status of the Note are set forth in a Tax Compliance Agreement (the "Tax Compliance Agreement") by and between the Issuer, Borrower and Lender. A draft of the Tax Compliance Agreement has been submitted to the Issuer.

1.10. Limited Liability. The Note and the interest thereon shall be special limited obligations of the Issuer. The Note shall not be payable from or charged upon any funds of the Issuer other than the revenues pledged to the payment thereof. The Note shall not constitute a debt of the Issuer within the meaning of any constitutional or statutory limitation on indebtedness. The Note shall not constitute or give rise to a pecuniary liability of the Issuer or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the Issuer other than revenues and assets specifically pledged to the payment thereof.

1.11. Project. The Project constitutes a "qualified residential rental project" within the meaning of Section 142(d) of the Code, and a "multifamily housing development" authorized by the Act, and furthers the purposes of the Act.

1.12. Public Welfare. The purpose of refinancing the Project is, and the effect thereof will be, to promote the public welfare by maintaining the Project for use as a multifamily housing development project designed primarily for occupancy by persons and families of low and moderate income, and by encouraging additional rehabilitation of the Project.

1.13. Jurisdiction. The Project is located within the jurisdiction of the Issuer.

1.14. Authorization. The Act authorizes (i) the issuance and sale of the Note, (ii) the execution and delivery by the Issuer of the Loan Agreement, Tax Compliance Agreement, Assignment, Pledge Agreement and Note (together, the "Issuer Documents"), (iii) the performance of all covenants and agreements of the Issuer contained in the Issuer Documents, and (iv) the performance of all other acts and things required under the constitution and laws of the State of Minnesota to make the Issuer Documents the valid and binding obligations of the Issuer in accordance with their terms.

1.15. Payments. The payments under the Loan Agreement have been established to produce revenue sufficient to provide for the prompt payment of principal of, premium, if any, and interest on the Note when due, and the Loan Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but without limitation, adequate insurance thereon and insurance against all liability for injury to persons or property arising from the operation thereof, and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Loan Agreement.

1.16. No Litigation. There is no litigation pending, or to the actual knowledge of the Issuer, threatened against the Issuer questioning the Issuer's execution or delivery of the Issuer Documents or questioning the due organization of the Issuer, or the powers or authority of the Issuer to issue the Note and undertake the transactions contemplated thereby.

1.17. No Violation. The execution, delivery and performance of the Issuer's obligations under the Issuer Documents do not and will not violate any order against the Issuer of any court or other agency of government, or any indenture, agreement, or other instrument to which the Issuer is a party or by which it or any of its property is bound, or conflict with, result in a breach of, or constitute (with due notice or lapse of time or both) a default under any such indenture, agreement or other instrument.

Section 2. The Note.

2.1. Authorized Maximum Amount and Form of Note and Interest Rate. The Note issue pursuant to this Resolution shall be in substantially the form on file with the Issuer as of the date hereof, and shall mature in the years and amounts and be subject to redemption as therein provided, as such may be modified by agreement of the Lender, Borrower and Issuer. The Note shall be issued in an amount not to exceed \$2,105,000, the actual amount to be determined by agreement of the Lender and Borrower and the officer of the Issuer specified in Section 2.3 hereof. The Note shall bear interest at a rate not to exceed 8% per annum. The actual interest rate per annum on the Note shall be determined by agreement of the Lender and the Borrower and the officer of the Issuer specified in Section 2.3 hereof prior to closing. The sale of the Note to the Lender at a purchase price equal to the stated amount thereof is hereby accepted. The Issuer acknowledges that the Lender may grant participation interest in the Notes to other financial institutions in principal amounts of at least \$100,000. The final maturity date of the Note shall be not later than July 1, 2035.

2.2. The Note. The Note shall be dated as of the date of delivery to the Lender, shall be payable at the times and in the manner, shall bear interest at the rate, and shall be subject to such other terms and conditions as are set forth therein.

2.3. Execution of Note. The Note shall be executed on behalf of the Issuer by the Finance Officer of the Issuer (the "Authorized Officer"). In case the Authorized Officer whose signature shall appear on the Note shall cease to be such officer before the delivery of the Note, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such signatory had remained in office until delivery. In the event of the absence or disability of the Authorized Officer, such officers of the Issuer as, in the opinion of the Issuer's counsel, may act in his behalf, shall without further act or authorization of the Issuer execute and deliver the Note.

2.4. Delivery of Note. Before delivery of the Note, there shall be filed with the Lender (except to the extent waived by the Lender) the following items:

- (a) an executed copy of each of the following documents:
 - (1) the Loan Agreement;
 - (2) the Pledge Agreement;
 - (3) the Mortgage and Assignment;
 - (4) the Tax Compliance Agreement;
- (b) an opinion of counsel for the Borrower as prescribed by the Lender and Bond Counsel;

- (c) the opinion of Bond Counsel as to the validity and tax-exempt status of the Note;
(d) such other documents and opinions as Bond Counsel may reasonably require for purposes of rendering its opinion required in (c) above or that the Lender may reasonably require for closing.

2.5. Intentionally Omitted.

2.6. Registration of Transfer. The Issuer will cause to be kept at the office of the Finance Officer of the Issuer a Note Register in which, subject to such reasonable regulations as it may prescribe, the Issuer shall provide for the registration of transfers of ownership of the Note. The Note shall be initially registered in the name of the Lender and shall be transferable upon the Note Register by the Lender in person or by its agent duly authorized in writing, upon surrender of the Note together with a written instrument of transfer satisfactory to the Finance Officer, duly executed by the Lender or its duly authorized agent. The Issuer may require, as a precondition to any transfer, that the transferee provide evidence to the Issuer that the transferee is a financial institution or other accredited investor under the securities laws. The following form of assignment shall be sufficient for said purpose.

For value received _____ hereby sells, assigns and transfers unto _____ the attached Note of the City of Minneapolis, Minnesota, and does hereby irrevocably constitute and appoint _____ attorney to transfer said Note on the Books of said City, with full power of substitution in the premises. The undersigned certifies that the transfer is made in accordance with Section 2.9 of the Resolution authorizing the issuance of the Note.

Dated: _____

Registered Owner

Upon such transfer the Finance Officer shall note the date of registration and the name and address of the new Lender in the Note Register and in the registration blank appearing on the Note.

2.7. Mutilated, Lost or Destroyed Note. In case the Note shall become mutilated or be destroyed or lost, the Issuer shall, if not then prohibited by law, cause to be executed and delivered a new Note of like outstanding principal amount, number and tenor in exchange and substitution for and upon cancellation of such mutilated Note, or in lieu of and in substitution for such Note destroyed or lost, upon the Lender's paying the reasonable expenses and charges of the Issuer in connection therewith, and in the case of a Note destroyed or lost, the filing with the Issuer of evidence satisfactory to the Issuer with indemnity satisfactory to it. If the mutilated, destroyed or lost Note has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Note prior to payment.

2.8. Ownership of Note. The Issuer may deem and treat the person in whose name the Note is last registered in the Note Register and by notation on the Note, whether or not the Note shall be overdue, as the absolute owner of the Note for the purpose of receiving payment of or on account of the principal balance, redemption price or interest and for all other purposes whatsoever, and the Issuer shall not be affected by any notice to the contrary.

2.9. Limitation on Note Transfers. The Note will be issued without being registered under state or other securities laws, pursuant to an exemption for such issuance; and accordingly the Note may not be assigned or transferred in whole or in part, nor may a participation interest in the Note be given pursuant to any participation agreement, except as an exempt security or as an exempt transaction.

Section 3. Miscellaneous.

3.1. Severability. If any provision of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions or in all cases because it conflicts with any provisions of any constitution or statute or rule or public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions contained herein invalid, inoperative, or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or paragraphs contained in this Resolution shall not affect the remaining portions of this Resolution or any part thereof.

3.2. Authentication of Transcript. The officers of the Issuer are hereby directed to furnish to Bond Counsel certified copies of this Resolution and all documents referred to herein, and affidavits or certificates as to all other matters which are reasonably necessary to evidence the validity and tax-exemption of the Note. All such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute recitals of the Issuer as to the correctness of all statements contained therein.

3.3. Authorization to Execute Agreements. The forms of the proposed Issuer Documents are hereby approved in substantially the form on file with the Issuer as of the date hereof, together with such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by Bond Counsel prior to execution of the Issuer Documents and the officer specified in Section 2.3 is authorized to execute the Issuer Documents in the name of and on behalf of the Issuer and to execute and deliver such other documents as Bond Counsel considers appropriate in connection with the issuance of the Note. In the event of the absence or disability of the officer specified in Section 2.3, such officer of the Issuer as, in the opinion of Issuer's counsel, may act in his behalf shall without further act or authorization of the City Council of the Issuer do all things and execute all instruments and documents required to be done or executed by such absent or disabled officer. The execution of any instrument by the appropriate officer of the Issuer herein authorized shall be conclusive evidence of the approval of such documents in accordance with the terms thereof.

3.4. Not Qualified Tax-Exempt Obligation. The Note does not qualify as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the Code.

3.5. Future Amendments. The authority to approve, execute and deliver future amendments to financing documents entered into by the Issuer in connection with the issuance of the Note and consents required under the financing documents is hereby delegated to the Finance Officer of the Issuer, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the Issuer; (b) such amendments or consents do not contravene or violate any policy of the Issuer, and (c) such amendments or consents are acceptable in form and substance to counsel retained by the Issuer to review such amendments. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Finance Officer shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the absence of the Finance Officer, any instrument authorized by this paragraph to be executed and delivered may be executed by the officer of the Issuer authorized to act in his place and stead.

3.6. Program. The Issuer has established a governmental program of acquiring purpose investments for qualified residential rental projects. The governmental program is one in which the following requirements of Section 1.148-1(b) of the Treasury Regulations relating to tax-exempt obligations shall be met:

(a) the program involves the origination or acquisition of purpose investments;

(b) at least 95% of the cost of the purpose investments acquired under the program represents one or more loans to a substantial number of persons representing the general public, states or political subdivisions, 501(c)(3) organizations, persons who provide housing and related facilities, or any combination of the foregoing;

(c) at least 95% of the receipts from the purpose investments are used to pay principal, interest, or redemption prices on issues that financed the program, to pay or reimburse administrative costs of those issues or of the program, to pay or reimburse anticipated future losses directly related to the program, to finance additional purpose investments for the same general purposes of the program, or to redeem and retire governmental obligations at the next earliest possible date of redemption;

(d) the program documents prohibit any obligor on a purpose investment financed by the program or any related party to that obligor from purchasing bonds of an issue that finances the program in an amount related to the amount of the purpose investment acquired from the obligor; and the Issuer shall not waive the right to treat the investment as a program investment.

3.7. Headings; Terms. Paragraph headings in this Resolution are for convenience of reference only and are not a part hereof, and shall not limit or define the meaning of any provision hereof. Capitalized terms used, but not defined, herein shall have the meanings given them in, or pursuant to, the Loan Agreement.

Adopted 5/27/05.

Comm Dev - Your Committee, having received the recommendation of the ad hoc committee that was established to review and recommend candidates for appointment to the Minneapolis Public Housing Authority (MPHA) Board of Commissioners, now recommends that the following individuals be appointed by the City Council:

- a) Darlene Rogers, 1321 Fremont Av N (Ward 5), for a term to expire on December 31, 2005; and
 - b) William L. Dooley, Jr., 5658 James Av S (Ward 13), for a term to expire on December 31, 2007.
- Adopted 5/27/05.

Comm Dev - Your Committee recommends that exclusive development rights be granted to Sherman Associates for the Hennepin County Regional Rail Authority (HCRRA) land at 900 Washington Av S (Parcel F) for up to 12 months to allow:

- a) The Community Planning and Economic Development (CPED) Department and HCRRA to negotiate business terms and execute a purchase agreement for the site;
- b) Sherman Associates to finalize their development proposal and obtain land use approvals;
- c) CPED and Sherman and Associates to negotiate land sale/redevelopment contract terms and complete a land sale public hearing.

It is further recommended that the proper City officers be directed to accept a Good Faith Deposit for the transaction equal to the amount of the City pass-through fee plus any earnest/good faith deposit amount required by HCRRA.

Adopted 5/27/05. Yeas, 11; Nays 2 as follows:

Yeas – Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays – Colvin Roy, Schiff.

Comm Dev - Your Committee recommends passage of the accompanying resolution giving final approval to the issuance of up to \$4,500,000 in Tax-Exempt 501 (c)(3) Revenue Bonds, Series 2005, for St. Olaf Residence, Inc.

Adopted 5/27/05.

Resolution 2005R-306 giving final approval to the issuance of revenue bonds for St. Olaf Residence, Inc., was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-306
By Goodman

Relating to the City of Minneapolis, Minnesota Health Care Facilities Revenue Bonds (St. Olaf Residence, Inc. Project) Series 2005; authorizing the issuance thereof pursuant to Minnesota Statutes, Sections 469.152 to 469.165, as amended.

Resolved by The City Council of The City of Minneapolis, (the "City"), as follows:

Section 1. Definitions.

1.01. In this Resolution the following terms have the following respective meanings unless the context hereof or use herein clearly requires otherwise:

"Act" means Minnesota Statutes, Sections 469.152 to 469.165, as amended;

"Agreement" means the Loan Agreement to be entered into among the City and the Borrower relating to the Bonds;

"Bonds" means the Health Care Facilities Revenue Bonds (St. Olaf Residence, Inc. Project) Series 2005 to be issued by the City pursuant to this Resolution in the aggregate principal amount of not to exceed \$4,500,000;

"Bond Documents" means the Agreement, the Bond Purchase Agreement and the Indenture;

"Bond Purchase Agreement" means the Bond Purchase Agreement with respect to the Bonds, by and between the City, the Borrower and Dougherty & Company LLC;

"Borrower" means St. Olaf Residence, Inc., a Minnesota nonprofit corporation, its successors and assigns;

"Holder" means a holder of the Bonds;

"Indenture" means the Indenture of Trust to be entered into among the City and the Trustee relating to the Bonds;

"Project" means the nursing and assisted living facilities to be refinanced and improved with the proceeds of the Bonds, as further defined in the Agreement;

"Resolution" means this resolution of the City;

"Trustee" means Wells Fargo Bank, National Association.

Section 2. Findings.

2.01. It is hereby found and declared that:

(a) based upon representations made to the City by representatives of the Borrower as to the nature of the Project as described in the Agreement, the Project constitutes a project authorized by the Act;

(b) the purpose of the Project is and the effect thereof is to promote the provision of necessary health care facilities;

(c) the refinancing and improvement of the Project, the issuance and sale of the Bonds, the execution and delivery of the Bond Documents and the performance of all covenants and agreements of the City contained in the Bonds and the Bond Documents and of all other acts and things required under the charter of the City and the Constitution and laws of the State of Minnesota to make the Bonds and the Bond Documents valid and binding obligations of the City in accordance with their terms are authorized by the Act;

(d) it is desirable that the Bonds be issued by the City upon the terms set forth herein and that the City pledge its interest in the Agreement and grant a security interest therein to the Trustee as security for the payment of the principal of, premium, if any, and interest on the Bonds;

(e) the loan payments contained in the Agreement are fixed and are required to be revised from time to time as necessary, so as to produce income and revenue sufficient to provide for prompt payment of the principal of, premium, if any, and interest on the Bonds when due, and the Agreement also provides that the Borrower is required to pay all expenses of the operation and maintenance of the Project, including, but not limited to, adequate insurance thereon and all taxes and special assessments levied upon or with respect to the Project and payable during the term of the Agreement;

(f) under the provisions of Minnesota Statutes, Section 469.162, the Bonds are not to be payable from nor charged upon any funds of the City other than the revenue pledged to the payment thereof; the City is not subject to any liability thereon; no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon nor to enforce payment thereof against any property of the City; the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project;

(g) the execution and delivery of the Bonds and the Bond Documents shall not conflict with or constitute, on the part of the City, a breach of or a default under any existing agreement, indenture, mortgage, lease or other instrument to which the City is subject or is a party or by which it is bound; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding;

(h) no litigation is pending or, to the best knowledge of the members of this City Council, threatened against the City questioning the organization of the City or the right of any officer of the City to hold his or her office or in any manner questioning the right and power of the City to execute and deliver the Bonds or otherwise questioning the validity of the Bonds or the execution, delivery or validity of the Bond Documents or questioning the pledge of revenues to payment of the Bonds or the right of the City to loan the proceeds of the Bonds to the Borrower;

(i) all acts and things required under the Constitution and the laws of the State of Minnesota to make the Bonds and the Bond Documents the valid and binding obligations of the City in accordance with their terms shall have been done upon adoption of this Resolution and execution of the Bonds and Bond Documents; provided that this finding is made solely for the purpose of estopping the City from denying the validity of the Bonds or the Bond Documents by reason of the existence of any facts contrary to this finding; and

(j) the City is duly organized and existing under the Constitution and the laws of the State of Minnesota and is authorized to issue the Bonds in accordance with the Act.

Section 3. Authorization and Sale.

3.01. Authorization. The City is authorized by the Act to issue revenue bonds and loan the proceeds thereof to business enterprises to finance the acquisition, construction and installation of facilities constituting a "project" as defined in the Act, to make all contracts, execute all instruments and do all things necessary or convenient in the exercise of such authority, and to refund revenue bonds previously issued for such purposes.

3.02. Approval of Documents. Pursuant to the foregoing, there have been prepared copies of the following documents, all of which are now or shall be placed on file in the office of the Minneapolis Department of Community Planning and Economic Development:

- (a) the Agreement;
- (b) the Bond Purchase Agreement; and
- (c) the Indenture.

The forms of the documents listed in (a) through (c) above are approved, with such variations, insertions and additions as are deemed appropriate by the parties and approved by the City.

Section 4. Authorizations.

4.01. Upon the completion of the Bond Documents approved in Section 3.02 hereof and the execution thereof by the other parties thereto, the Finance Officer (or Assistant Finance Officer) shall execute the same on behalf of the City and the foregoing person shall execute the Bonds, in substantially the form approved in paragraph 5.01 hereof, on behalf of the City, and the foregoing person and other officers of the City shall execute such other certifications, documents or instruments as bond counsel shall require, subject to the approval of the City, and all certifications, recitals and representations therein shall constitute the certificates, recitals and representations of the City. Execution of any instrument or document by one or more appropriate officers of the City shall constitute and shall be deemed the conclusive evidence of the approval and authorization by the City and the City Council of the instrument or document so executed.

Section 5. The Bonds.

5.01. Form and Authorized Amount. The Bonds shall be issued substantially in the form described in the Indenture with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. The terms of the Bonds are set forth therein, and such terms, including, but not limited to, provisions as to interest rate, dates and amount of payment of principal and interest and prepayment privileges, are incorporated by reference herein. The average weighted interest rate on the Bonds shall not exceed an annual rate of 7.00%, and the Bonds shall mature within 30 years of the date of issuance thereof.

5.02. Execution. The Bonds shall be executed on behalf of the City by the person described in Section 4.01 hereof and the Certificate of Authentication shall be signed by the Trustee. In case any officer whose signature shall appear on any Bond shall cease to be such officer before the delivery thereof, such signature shall, nevertheless, be valid and sufficient for all purposes.

5.03. Delivery and Use of Proceeds. Prior to delivery of the Bonds, the documents referred to in Section 3.02 hereof shall be completed and executed in form and substance as approved by the City. The City shall thereupon deliver to the Trustee the Bonds together with a certified copy of this Resolution and such closing certificates as are required by bond counsel.

Section 6. Limitations of the City's Obligations.

6.01. Notwithstanding anything contained in the Bonds or the Bond Documents, the Bonds, premium, if any, and interest thereon shall not constitute an indebtedness of the City within the meaning of any constitutional, charter or statutory limitation and shall not constitute or give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers and shall not constitute a charge,

lien, or encumbrance, legal or equitable, upon any property of the City other than its interest in the Project, and no Holder of the Bonds shall ever have the right to compel any exercise of the taxing power of the City to pay the Bonds or the interest thereon or to enforce payment thereof against any property of the City other than its interest in the Project. The agreement of the City to perform the covenants and other provisions contained in this Resolution, the Bonds or the Bond Documents shall be subject at all times to the availability of revenues furnished by the Borrower sufficient to pay all costs of such performance or the enforcement thereof, and neither the City nor any of its officers, employees or agents shall be subject to any personal or pecuniary liability thereon.

Section 7. City Representative.

7.01. The Finance Officer or Assistant Finance Officer of the City is hereby designated and authorized to act on behalf of the City for purposes of the Indenture and the Agreement.

Section 8. Governmental Program.

8.01. The Bonds are hereby designated "Program Bonds" and are determined to be within the "Health Care Program" and the "Program," all as defined in Resolution 88R-021 of the City adopted January 29, 1998, and as amended by Resolution 97R-402 of the City adopted December 12, 1997.

Adopted 5/27/05.

Comm Dev - Your Committee recommends concurrence with the recommendation of the Community Planning and Economic Development (CPED) Department staff that the City write-off \$57,000 in bad debt in the form of an unsecured Note from the now defunct Neighborhood Improvement Company (NIC) dated July 14, 1982.

Adopted 5/27/05.

The **COMMUNITY DEVELOPMENT** and **WAYS & MEANS/BUDGET** Committee submitted the follows reports:

Comm Dev & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a grant agreement between the City and the St. Anthony Falls Heritage Board accepting a \$15,000 grant to fund the historical archeological study of the future site of the St. Anthony Mills Apartments.

Your Committee further recommends passage of the accompanying resolution increasing the appropriation for the Community Planning & Economic Development (CPED) Department by \$15,000 to reflect receipt of the grant funds.

Adopted 5/27/05.

RESOLUTION 2005R-307
By Goodman and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the State Grants and Loans Program (SMN-890) by \$15,000.

Adopted 5/27/05.

Comm Dev & W&M/Budget - Your Committee, having under consideration the Urban Village Project and TEA-21 funds granted but not received for a portion of the project, now recommends that the proper City officers be authorized to enter into a contract with the Minnesota Department of Transportation (MnDOT) for the advance construction the promenade portion of the Urban Village Project in the amount of \$400,000 to be reimbursed by TEA-21 funds when the Federal Transportation Bill is finalized.

Adopted 5/27/05.

The **HEALTH & HUMAN SERVICES** Committee submitted the following report:

H&HS - Your Committee recommends passage of the accompanying Resolution commending Marnie Wells for dedicated service as Co-Chair of the Minneapolis Public Health Advisory Committee and to extend appreciation for her participation and leadership.

Adopted 5/27/05.

Resolution 2005R-308, commending Marnie Wells for dedicated service as Co-Chair of the Minneapolis Public Health Advisory Committee and to extend appreciation for her participation and leadership, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-308
By Johnson Lee

Commending Marnie Wells for dedicated service as Co-Chair of the Minneapolis Public Health Advisory Committee and to extend appreciation for her participation and leadership

Whereas, the City Council would like to recognize and commend the work of Marnie Wells who has served as the 10th Ward Representative on the Minneapolis Public Advisory Committee since November 2002; and

Whereas, Marnie Wells has served as a Co-Chair of the Minneapolis Public Health Advisory Committee since February 2003; and

Whereas, Marnie Wells provided leadership to the Minneapolis Public Health Advisory Committee in determining a new and inclusive process for developing priorities and determining grant awards for Community Development Block Grant, Public Service funds; and

Whereas, Marnie Wells represented the Minneapolis Public Health Advisory Committee on the Blue Ribbon Panel on Public Health in Minneapolis; and

Whereas her considerable time commitment and dedicated work have been instrumental in the success of the Minneapolis Public Health Advisory Committee;

Now, Therefore Be It Resolved by The City Council of The City of Minneapolis:

That the City Council extends its appreciation for the participation and contributions of Marnie Wells on the Minneapolis Public Health Advisory Committee, and commends her for her dedicated service in helping the Committee successfully carry out its role of advising the Council, Mayor, and Department of Health & Family Support.

Adopted 5/27/05.

The **HEALTH & HUMAN SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

H&HS & W&M/Budget - Your Committee, having under consideration the "First Opportunity" Delinquency Prevention Program that serves youth ages 11 to 15 at Folwell Middle School in the Phillips Neighborhood, now recommends that the proper City Officers be authorized to accept \$50,000 and execute a contract with the Minnesota Department of Public Safety to allow the contractor to expand its caseload from 25 to 50 youth.

Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$36,400 of Year 2005 Federal Weed & Seed Law Enforcement funds from Health & Family Support to the Police Department (3rd Precinct) to implement law enforcement strategies within the Phillips Weed & Seed Zone (Community Response Team; Directed Patrol Teams; and community policing efforts).

Adopted 5/27/05.

RESOLUTION 2005R-309
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$36,400; and
 - b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$36,400 and increasing the Revenue Source (030-400-P300 - Source 3210) by \$36,400.
- Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$7,313 of unspent 2004 Weed & Seed funds from the Police Department to Health & Family Support which was intended to support the Crime Prevention Specialist salary at the Franklin Safety Center. Funds will be reallocated to support expenditures in direct relationship to the 2004 Federal Weed & Seed Law Enforcement Plan.

Adopted 5/27/05.

RESOLUTION 2005R-310
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. decreasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-P300) by \$7,313; and
 - b. increasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$7,313.
- Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having under consideration the Phillips Weed & Seed Partnership, now recommends passage of the accompanying Resolution transferring \$18,600 of Year 2005 Federal Weed & Seed Law Enforcement funds from Health & Family Support to the Police Department (Organized Crime Unit) to implement law enforcement strategies within the Phillips Weed & Seed target area to include the Little Earth Campus, focusing on Gangs, Guns and Narcotics (saturation details and community policing/Native Response Team).

Adopted 5/27/05.

RESOLUTION 2005R-311
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended as follows:

- a. decreasing the appropriation for the Health & Family Support Agency in the Grants - Federal Fund (030-860-8606) by \$18,600; and
 - b. increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$18,600 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$18,600.
- Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having under consideration the Minneapolis Community Lead Outreach Project to increase the enrollment of housing low income, at risk children and pregnant women through outreach and education activities into lead abatement and treatment programs, now recommends that the proper City Officers be authorized to submit a grant application to the United States Department of Housing and Urban Development seeking up to \$500,000 for a 24-month period to continue providing services through contracts with project partners.

Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having issued a Request for Proposals for Lead Partners, now recommends that the proper City Officers be authorized to accept the following three agencies as Eligible Providers for lead outreach, education and testing services for the period 2005 through 2008:

- a. Minnesota Visiting Nurse Agency;
- b. Way to Grow;
- c. Sustainable Resource Center.

Further, that the proper City Officers be authorized to enter into contracts with one or more of the Eligible Providers for services during the 2005 to 2008 period, as needed based on needs, fund availability and fund requirements.

Adopted 5/27/05.

H&HS & W&M/Budget - Your Committee, having collaborated with staff of Hennepin County in administering a 2004 grant from the National Association of County and City Health Officials that would plan responses to potential threats to food, water and safety during a disaster or public health emergency, now recommends that the proper City Officers be authorized to execute a contract with Hennepin County for the City to act as a sub-grantee to coordinate activities with the 2004 grant entitled *Linking Advance Practice Centers and Local Public Health Agencies*. Further, passage of the accompanying Resolution appropriating \$282,050 to Licenses & Consumer Services.

Adopted 5/27/05.

RESOLUTION 2005R-312
By Johnson Lee and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Licenses & Consumer Services Agency in the Grants - Federal Fund (030-835-8391) by \$282,050 and increasing the Revenue Source (030-835-8391 - Source 3210) by \$282,050.

Adopted 5/27/05.

The **INTERGOVERNMENTAL RELATIONS** Committee submitted the following report:

IGR - Your Committee, having under consideration the 2006 Capital Budget Requests for inclusion in the City's State Bonding Program, now recommends that the City's priorities be sent forward without recommendation.

Benson moved to substitute the following motion for the above report. Seconded.

Adopted upon a voice vote.

Benson moved to direct staff to develop a list of potential requests for state capital appropriations for presentation to the Intergovernmental Relations Committee no later than August 30, 2005 in order that the Committee can report to the City Council on priorities for the City's capital bonding requests no later than September 23, 2005. The request should include a list of potential projects for debt relief of regional facilities in order to provide assistance to the general fund for essential City services, including police and fire.

For the purposes of the state process under Chapter 16A.86 relating to capital project grants to political subdivisions, staff is directed to submit preliminary applications to the Department of Finance by June 15, 2005 for the Minnesota Shubert Performing Arts and Education Center, Heritage Park, and University Research Park. Seconded.

Lilligren moved to divide the motion so as to consider separately the second paragraph relating to submittal of preliminary applications to the Department of Finance. Seconded.

Adopted upon a voice vote.

Lilligren moved adoption of the balance of the motion. Seconded.

Adopted 5/27/05.

Benson moved that for the purposes of the state process under Chapter 16A.86 relating to capital project grants to political subdivisions, staff is directed to submit preliminary applications to the Department of Finance by June 15, 2005 for the Minnesota Shubert Performing Arts and Education Center, Heritage Park, and University Research Park. Seconded.

Adopted 5/27/05. Yeas, 11; Nays, 2 as follows:

Yeas – Benson, Goodman, Lane, Samuels, Johnson, Colvin Roy, Zimmermann, Schiff, Johnson Lee, Niziolek, Ostrow.

Nays – Zerby, Lilligren.

The **PUBLIC SAFETY & REGULATORY SERVICES** Committee submitted the following reports:

PS&RS - Your Committee, to whom was referred an ordinance amending

Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding prohibitions for abandoned shopping carts; and establishing a process for impounding and disposing of abandoned carts, now recommends that said ordinance be given its second reading for amendment and passage.

Adopted 5/27/05.

Ordinance 2005-Or-046 amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to *Licenses and Business Regulations: In General*, adding Sections 259.260, 259.270, 259.280 and 259.290 adding prohibitions for abandoned shopping carts; and establishing a process for impounding and disposing of abandoned carts, was adopted 5/27/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-046

By Schiff

Intro & 1st Reading: 4/29/05

Ref to: PS&RS

2nd Reading: 5/27/05

Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.260 to read as follows:

259.260. Abandoned shopping carts to be impounded. Any shopping cart found abandoned upon the highways, streets, alleys, sidewalks or other public property, or on private property visible from public property, shall be deemed to be a public nuisance. A shopping cart shall be considered abandoned if the cart is not retrieved within twenty-four hours of the city receiving notice of the cart's location. The failure of the owner to retrieve the shopping cart shall be considered an abandonment of that cart. An abandoned shopping cart may be impounded by the city.

Section 2. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.270 to read as follows:

259.270. Notice to owners to redeem. Within seven (7) working days of impounding a cart, the city shall provide notice to the owner of the impounded cart, if identifiable, of the impoundment. The notice shall set forth the number of carts that were impounded and shall direct the owner to redeem those carts within fifteen (15) days from the date of the notice.

Section 3. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.280 to read as follows:

259.280. Redemption fee. An owner who redeems an impounded cart shall pay to the city an administrative fee of one hundred fifty dollars (\$150) per cart to cover the costs expended by the city for retrieving the cart, notifying the owner and storing the cart. The fee imposed by this section shall be in addition to any other fee or penalty that is imposed.

Section 4. That Chapter 259 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 259.290 to read as follows:

259.290. Disposition of unclaimed carts. Impounded carts that are not redeemed within the time period set forth by section 259.270 may be disposed of by the city. Where the owner of the cart is not identifiable, the city may dispose of the cart fifteen (15) days after the impoundment.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of JWM Investments Inc, dba Mayslacks, 1428 4th St NE, for an On-Sale Liquor Class B with Sunday Sales License (expansion of premises to allow outdoor seating area in parking lot next to building) to expire January 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Gay Nineties Inc, dba Gay Nineties, 400 Hennepin Av, for an On-Sale Liquor Class A with Sunday Sales License (sidewalk cafe expansion) to expire January 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of 80 S 8th St Hotel Operations Inc, dba Windows on Minnesota, 701 Nicollet Mall, 50th Floor, for an On-Sale Liquor Class A with Sunday Sales License (expansion of premises to entire 50th floor of IDS Center to provide additional meeting space) to expire October 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

VETOED BY THE MAYOR

PS&RS - Your Committee, having under consideration the application of Ariza Enterprises LLC, dba Salsa A La Salsa Mexican Grill, 1420 Nicollet Av, for an On-Sale Liquor Class E with Sunday Sales License (sidewalk cafe expansion) to expire January 1, 2006, and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to approval by the Public Works Department, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

Vetoed by Mayor Rybak 6/2/05.

(See Unfinished Business next meeting)

PS&RS - Your Committee, having under consideration the application of Dishboy Inc, dba Urban Bean Coffee, 3255 Bryant Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Cafe Blue Inc, dba Cafe Blue, 2524 Nicollet Av, for a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Minneapolis 0052 LLC, dba Lodge Bar, 15 S 5th St, for an On-Sale Liquor Class B with Sunday Sales License (regular expansion of premises to allow a deck area adjacent to the building) to expire July 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Irv's Bar Inc, dba Irv's Bar, 201 W Broadway, for an On-Sale Liquor Class E with Sunday Sales License (regular expansion of premises to allow outdoor seating area on private land next to the building) to expire July 1, 2005, and having held a public hearing thereon, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Two Wiseguys Inc, dba Origami Restaurant, 30 1st St N, for an On-Sale Liquor Class E with Sunday Sales License (sidewalk cafe expansion) to expire January 1, 2006 and a Sidewalk Cafe License (new business) to expire April 1, 2006, and having held a public hearing thereon, now recommends that said licenses be granted, subject to approval by the Public Works Department, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of T M M S Inc, dba C C Club, 2600 Lyndale Av S, for a Sidewalk Cafe License (new business) to expire April 1, 2006, now recommends that said license be sent forward without recommendation.

Niziolek moved that the report be amended by deleting the language "be sent forward without recommendation" and inserting in lieu thereof "be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances". Seconded.

Adopted by unanimous consent.

The report, as amended, was adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Karma Entertainment LLC, dba Karma, 315 1st Av N, for an On-Sale Liquor Class B with Sunday Sales License (change in ownership) to expire April 1, 2006, now recommends that said license be granted, subject to completion of the background investigation by the Police Licenses Division, and final inspection and compliance with all provisions of applicable codes and ordinances.

Niziolek moved that the report be referred back to the Public Safety & Regulatory Services Committee. Seconded.

Adopted upon a voice vote 5/27/05.

PS&RS - Your Committee, having under consideration the application of Zarjam LLC, dba Mairin's Table, 23 4th St NE, 1st floor, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2006, now recommends that said license be granted, subject to the public hearing being held in the neighborhood, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the application of Rice Paper Asian Fusion Restaurant LLC, dba Rice Paper Asian Fusion Restaurant, 2726 W 43rd St, for an On-Sale Wine Class E with Strong Beer License (new business) to expire April 1, 2006, now recommends that said license be granted, subject to the public hearing being held in the neighborhood, and final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

PS&RS - Your Committee, to whom was referred on April 29, 2005 a report relating to three license applications submitted by BLB Inc, dba Bryant Lake Bowl, 810 W Lake St, now recommends that the application for an On-Sale Liquor Class A with Sunday Sales License (upgrade from On-Sale Wine with Strong Beer) to expire April 1, 2005, now recommends that said license be granted, subject to the following conditions:

a. the licensee will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching, and other similar types of activities. Violation of these terms shall provide a basis for revocation of the City's consent for the licensee to operate a Class A On-Sale Liquor License.

b. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

Approved by Mayor Rybak 6/1/05.

(Published 6/2/05)

PS&RS - Your Committee, having under consideration the application of Mannings Cafe Inc, dba Mannings Cafe, 2200 Como Av SE, for an On-Sale Liquor Class E with Sunday Sales License (upgrade from On-Sale Wine) to expire April 1, 2006, now recommends that said license be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 5/27/05.

Approved by Mayor Rybak 6/1/05.

(Published 6/2/05)

PS&RS - Your Committee recommends adoption of the accompanying Resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 5/27/05.

Resolution 2005R-313, granting applications for Liquor, Wine and Beer Licenses, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-313

By Niziolek

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

On-Sale Liquor Class A with Sunday Sales, to expire January 1, 2006

Radisson Minneapolis Corporation, dba Radisson Plaza Hotel Minneapolis, 35 S 7th St (new manager);

On-Sale Liquor Class A with Sunday Sales, to expire June 26, 2005

Screaming Eagles LLC, dba Minneapolis Eagles, 515 Washington Av S (temporary expansion of premises with entertainment, June 25, 2005, 7:00 p.m. to 10:00 p.m., and June 26, 2005, 4:00 p.m. to 10:00 p.m.);

On-Sale Liquor Class B with Sunday Sales, to expire January 1, 2006

Baku Entertainment & Restaurants LLC, dba Town Talk Diner, 2707 E Lake St (new business);

On-Sale Liquor Class E with Sunday Sales, to expire April 1, 2006

Victoria Enterprises Inc, dba Amore Victoria, 1601 W Lake St (new business);

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2005

Buca Minneapolis Inc, dba Buca, 11 S 12th St (new manager);

Irv's Bar Inc, dba Irv's Bar, 201 W Broadway (regular expansion of premises);

Temporary On-Sale Liquor

Junior League of Minneapolis, dba Opening Night Gala of 2005 Asid, 6250 Wayzata Blvd (May 13, 2005, 7:00 p.m. to 11:00 p.m. at 2231 W 21st St);

Ragamala Music and Dance Theater, dba Ragamala Music & Dance, 711 W Lake St (May 21, 2005, 5:00 p.m. to 11:00 p.m. at Southern Theater, 1420 Washington Av S);

St. Paul Jaycees, dba St. Paul Jaycees, 401 Robert St, St. Paul (June 3, 2005, 5:30 p.m. to 9:30 p.m.; Licensed Facilitator: Famous Daves);

On-Sale Wine Class E with Strong Beer, to expire May 7, 2005

Las Tapatias LLC, dba Las Tapatias, 349 E Lake St (temporary expansion of premises, May 7, 2005, 10:00 a.m. to 10:00 p.m.);

On-Sale Wine Class E with Strong Beer, to expire April 1, 2006

Las Tapatias LLC, dba Las Tapatias, 349 E Lake St (change in ownership from Pedro Ruiz-Flores);

Totino's Italian Kitchen Corp, dba Totino's Italian Kitchen, 523 Central Av NE;

Crema Cafe Ltd, dba Crema Cafe, 3403 Lyndale Av S (new business);

Temporary On-Sale Wine

Planners Network Inc, dba Planners Network, 1 Rapson Hall, 89 Church St SE (June 4, 2005, 6:00 p.m. to 10:00 p.m. at 1011 Washington Av S; Licensed Facilitator: G & D Foods Inc);

Temporary On-Sale Beer

Phi Sigma Kappa, dba Benefit Block Party, 317 18th Av SE (May 14, 2005, 3:00 p.m. to 10:00 p.m. at 1700 Block of University Av SE);

Church of St. Hedwig, dba St. Hedwig's Festival, 129 29th Av NE (June 5, 2005, 11:00 a.m. to 5:00 p.m.).

Adopted 5/27/05.

PS&RS - Your Committee recommends adoption of the accompanying Resolution granting applications for Business Licenses.

Adopted 5/27/05.

Resolution 2005R-314, granting applications for Business Licenses, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-314

By Niziolek

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of May 27, 2005 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 270426):

Amusement Devices; Dance Hall; Dancing School; Laundry; Place of Entertainment; All Night Special Food; Caterers; Confectionery; Food Distributor; Food Market Distributor; Grocery; Indoor Food Cart; Food Manufacturer; Food Market Manufacturer; Restaurant; Food Shelf; Short-Term Food Permit; Seasonal Short Term Food; Sidewalk Cafe; Vending Machine; Heating, Air Conditioning & Ventilating Class A; Gasoline Filling Station; Motor Vehicle Dealer - Cycles & Motorbikes; Motor Vehicle Dealer - New & Used; Motor Vehicle Dealer - Used Only; Motor Vehicle Immobilization Service; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Plumber; Pool Table; Refrigeration Systems Installer; Residential Specialty Contractor; Secondhand Goods Class B; Antique Dealer Class B; Sign Hanger; Solid Waste Hauler; Suntanning Facility; Swimming Pool - Public; Tattooist/Body Piercer; Tattooist/Body Piercer Establishment; Taxicab Vehicle; Taxicab Vehicle - Nontransferable; Tobacco Dealer; Tree Servicing; Valet Parking; and Wrecker of Buildings Class B.

Adopted 5/27/05.

PS&RS - Your Committee recommends adoption of the accompanying Resolution granting applications for Gambling Licenses.

Adopted 5/27/05.

Resolution 2005R-315, granting applications for Gambling Licenses, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-315

By Niziolek

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances:

Gambling Class B

Minneapolis Riverview Lions Club, dba Minneapolis Riverview Lions Club, 2520 26th Av S (Off-site June 26, 2005 at Eagles Club, 2507 E 25th St);

Gambling Lawful Exempt

St. Cyril & Methoduis Church, dba St. Cyril & Methoduis Church, 1315 2nd St NE (Bingo, Raffle, Paddlewheel and Pulltabs, August 20 & 21, 2005).

Adopted 5/27/05.

PS&RS - Your Committee, to whom was referred from the Budget Meeting on December 10, 2004 a direction to Licenses and City Attorney staff to prepare a recommended strategy of charging business licensees the cost of providing added police services to business owners, now recommends that staff be directed to implement the following two strategies:

- a. to incorporate a standard cost recovery component into the Technical Advisory Committee process; and
- b. to consistently use a provision of Chapter 2 of the Minneapolis Code of Ordinances relating to *Administrative Enforcement and Hearing Process* that allows staff to request additional enforcement costs when an administrative citation has been appealed.

Adopted 5/27/05.

The **PUBLIC SAFETY & REGULATORY SERVICES** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

PS&RS & W&M/Budget - Your Committee, having under consideration the Police Squad Mobile Data Computer System, now recommends that the proper City Officers be authorized to amend Contract #16235 with BIO-key International Incorp, for an increased estimated amount of \$200,000 through December 31, 2006, for payment of computer system maintenance services; and for subsequent service agreements as needed, at an anticipated rate of \$100,000 per year.

Adopted 5/27/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the Minnesota Gang Strike Force, now recommends that the proper City Officers be authorized to amend the grant agreement with the State of Minnesota to increase the grant award amount by \$20,194 to support the maintenance of vehicles used by Gang Strike Force members. Further, passage of the accompanying Resolution appropriating \$20,194 to the Police Department.

Adopted 5/27/05.

RESOLUTION 2005R-316
By Niziolek and Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-C007) by \$20,194 and increasing the Revenue Source (030-400-C007 - Source 3210) by \$20,194.

Adopted 5/27/05.

PS&RS & W&M/Budget - Your Committee, having received a Grant to Encourage Arrest Policies from the United States Department of Justice, now recommends that the proper City Officers be authorized to execute a no-cost amendment to the grant agreement with Tubman Family Alliance to continue providing domestic violence advocacy services, as detailed in the grant award, permitting Tubman to expend all contract funds, and to match the federal extension to the grant period.

Adopted 5/27/05.

PS&RS & W&M/Budget - Your Committee, having under consideration the FBI Joint Terrorism Task Force, now recommends that the proper City Officers be authorized to accept up to \$80,000 in additional funds and execute a reimbursement agreement with the Federal Bureau of Investigation to provide for reimbursement of overtime expenses for officers participating on the Task Force. Further, passage of the accompanying Resolution appropriating \$80,000 to the Police Department.

Adopted 5/27/05.

**RESOLUTION 2005R-317
By Niziolek and Johnson**

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation for the Police Department Agency in the Grants - Federal Fund (030-400-B131) by \$80,000 and increasing the Revenue Source (030-400-B131 - Source 3210) by \$80,000.

Adopted 5/27/05.

The **TAXES** Committee submitted the following report:

MINNEAPOLIS BOARD OF APPEAL AND EQUALIZATION

REPORT OF THE SPECIAL BOARD OF REVIEW

The City Clerk submits the report of the Special Board of Review, pursuant to the provisions of an ordinance passed May 30, 1975, by the Minneapolis City Council relating to assessments of market value of real estate, providing for the creation of a Special Board of Review.

The Board met on Monday April 18, 2005, was duly sworn and after being so sworn entered upon the discharge of duties imposed by law on such Board. The Board continued to meet to and including Friday, May 6, 2005.

The Board equalized the assessments of the assessment rolls of real and personal property located in the City of Minneapolis, County of Hennepin, Minnesota. The Board recommends approval of the Assessor's rolls containing the assessment of real estate and personal property in the districts of the City of Minneapolis, as so revised, amended, equalized and granted by the Board.

The Board recommends to the City Clerk that copies of the adjustments and corrections made to such assessment rolls be transmitted to the City Council for approval or correction. If approved, The Board recommends such assessment rolls be transmitted to the City Assessor, County Board of Appeal and Equalization, and the State Tax Commissioner with the request that they take such action within their powers as authorized by law to give full effect to the correction and adjustments recommended and made by the Board. (Petr. No. 270428)

Adopted 5/27/05.

The **TRANSPORTATION & PUBLIC WORKS** Committee submitted the following reports:

T&PW - Your Committee, having under consideration the layout and streetscape for the next phase of the Lake Street Reconstruction Project (27th Av S to W River Parkway), now recommends passage of the accompanying Resolution supporting the request of Hennepin County to seek a variance to the Minnesota Department of Transportation (MnDOT) State Aid Standards for parking lane widths from ten (10) feet to eight (8) feet.

Adopted 5/27/05.

Resolution 2005R-318, supporting Hennepin County variance requests to the Minnesota Department of Transportation for State Aid Standards for parking lane widths to encourage a strong pedestrian realm within the Lake Street right-of-way, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-318

By Colvin Roy

Encouraging a strong pedestrian realm and retention of the urban forest and green space within the Lake Street Reconstruction Project (Hiawatha Avenue to West River Parkway).

Whereas, Lake Street is a vital asset to the City of Minneapolis as more than a transportation corridor, and it is critical that the upcoming reconstruction of Lake Street include a healthy pedestrian-friendly element;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City will actively support Hennepin County variance requests to the Minnesota Department of Transportation for State Aid Standards for parking lane widths to encourage a strong pedestrian realm within the Lake Street right-of-way.

Adopted 5/27/05.

T&PW - Your Committee, having under consideration the City of Minneapolis and Minneapolis Park and Recreation Board Stormwater Management Program and Annual Report (Petn No 270431), and having held a public hearing on April 19, 2005, now recommends passage of the accompanying Resolution adopting the program and report, pursuant to Chapter 2, Section 14, of the City of Minneapolis National Pollutant Discharge Elimination System (NPDES) Permit #MN0061018.

Adopted 5/27/05.

Approved by Mayor Rybak 6/1/05.

(Published 6/2/05)

Resolution 2005R-319, adopting the Minneapolis 2005 Stormwater Management Program and annual Report, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-319

By Colvin Roy

Adopting the Minneapolis 2005 Stormwater Management Program and Annual Report.

Whereas, the City of Minneapolis is committed to improving the water quality in the lakes, wetlands, and streams; and

Whereas, on December 1, 2000, the City of Minneapolis was issued National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Permit #MN0061018 (Permit); and

Whereas, as required under the Permit, a public hearing was held on April 19, 2005; and

Whereas, the 2005 Stormwater Management Program and Annual Report will now be submitted to the Minnesota Pollution Control Agency;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the Minneapolis City Council hereby adopts the 2005 Stormwater Management Program and Annual Report as the City's Stormwater Management Plan.

Adopted 5/27/05.

Approved by Mayor Rybak 6/1/05.

T&PW - Your Committee, having under consideration the Midtown Greenway Project, Phase 3, (Hiawatha Av to W River Parkway), now recommends that the proper City officers be authorized to enter into a Limited Use Permit Agreement with the Minnesota Department of Transportation (MnDOT) to allow Phase 3 of the Midtown Greenway trail to be placed on MnDOT right-of-way near Hiawatha Avenue.

Adopted 5/27/05.

T&PW - Your Committee, having under consideration site improvements at the Harriet Maintenance Facility, now recommends that the proper City officers be authorized to execute Change Order No. 1 to Contract No. C-20530 with McFarland Construction Company, in the amount of \$5,382, for a revised contract total of \$150,182, to provide for construction contingencies included as part of the original project budget.

Adopted 5/27/05.

T&PW - Your Committee, having under consideration the Fridley Maintenance Facility construction, now recommends that the proper City officers be authorized to execute Change Order No. 3 to Contract No. C-20506 with James Steele Construction in the amount of \$187,834, for a revised contract total of \$4,714,187, to provide for construction contingencies included as part of the original project budget.

Adopted 5/27/05.

T&PW - Your Committee, having under consideration the Red Rock Corridor Transitway, now recommends that the proper City officers be authorized to enter into the Amended and Restated Joint Powers Agreement, as set forth in Petn No 270431, to collectively plan for multi-modal transportation improvements to the Red Rock Corridor.

Your Committee further recommends the appointment of Council Member Paul Ostrow as the policy representative for the City of Minneapolis on the Red Rock Corridor Commission and Klara Fabry, Director of Public Works, as alternate.

Adopted 5/27/05.

T&PW - Your Committee, having received and filed the 2004 Lane Use Report (Petn No 270431) outlining the 2004 highlights and 2005 challenges for lane use, now recommends approval of the following three revisions to the Right-of-Way Obstruction Permit Fee Structure:

- a) Clarifying the wording of the "Disruptive Cost" definition, as it pertains to sidewalks, to reflect the current practice of assessing a closure fee from crosswalk to crosswalk;
- b) Adding a fee for the closure of any alley; and
- c) Amending the definition of the "Downtown Area" to match the definition in the Minneapolis Code of Ordinances.

Adopted 5/27/05.

The **TRANSPORTATION & PUBLIC WORKS** and **WAYS & MEANS/BUDGET** Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the Harrison Neighborhood (Glenwood Av N from W Lyndale Av N to Thomas Av N) Street Lighting Project, Special Improvement of Existing Street No. 2257, now recommends passage of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$269,910; and
- c) Increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund by \$697,000, to be reimbursed by special assessments and NRP funds.

Adopted 5/27/05.

Resolution 2005R-320, ordering the work to proceed and adopting the special assessments for the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-320
By Colvin Roy and Johnson

Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project
Special Improvement of Existing Street No 2257

Ordering the work to proceed and adopting the special assessments for the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project.

Whereas, a public hearing was held on May 17, 2005, in accordance with Chapter 10, Section 8, of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-194 passed April 15, 2005, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-194 passed April 15, 2005.

Be It Further Resolved that the proposed special assessments, as on file in the office of the City Clerk, in the amount of \$269,910 be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments of more than \$150 may be paid shall be fixed at twenty (20) and that interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Be It Further Resolved that the number of installments by which the special assessments of \$150 or less may be paid shall be fixed at one (1) and that the interest be charged at the same rate as assessment bonds are sold for, with collection of the special assessments on the 2006 real estate tax statements.

Adopted 5/27/05.

Resolution 2005R-321, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$269,910 for the Harrison Neighborhood Street Lighting Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-321
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$269,910 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of street lighting improvements in the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project, Special Improvement of Existing Street No 2257, to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/27/05.

RESOLUTION 2005R-322
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended by increasing the appropriation in the PW-Transportation-Capital Agency in the Permanent Improvement Projects Fund by \$697,000 (4100-943-9432) for the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project, to be reimbursed by special assessments in the amount of \$269,910 (4100-943-9432-3910) and Neighborhood Revitalization Program (NRP) funds in the amount of \$427,090 (4100-943-9432-3845).

Adopted 5/27/05.

T&PW & W&M/Budget - Your Committee reports that in accordance with Chapter 431 of the Minneapolis Code of Ordinances relating to street lighting districts, a public hearing was held on May 17, 2005 to consider the establishment of Street Lighting District No. 1316 and to consider all written and oral objections and statements regarding this matter.

Your Committee now recommends that Street Lighting District No. 1316 (streets to receive lighting are as designated in the Harrison Neighborhood (Glenwood Avenue North) Street Lighting Project, Special Improvement of Existing Street No. 2257), as delineated in a report of the Transportation and Public Works Committee passed by the City Council on April 15, 2005, be and hereby is given preliminary approval.

Your Committee further recommends that Street Lighting District No. 1316 not be considered for final approval until at least two weeks from now, in accordance with the provisions of Chapter 431 of the Minneapolis Code of Ordinances.

Adopted 5/27/05.

T&PW & W&M/Budget - Your Committee, having under consideration the Irving Av N Sanitary Sewer Project No. 4376, now recommends passage of the accompanying Resolutions:

- a) Ordering the work to proceed and adopting the special assessments for the Irving Av N Sanitary Sewer Project in the amount of \$59,955 and approving City funding of \$45,487 from an existing appropriation in the Sewer Enterprise Fund;
- b) Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$60,000 for the project; and
- c) Increasing the appropriation for the PW-Sewer Construction-Capital Agency in the Sewer Enterprise Fund by \$59,955 to be reimbursed from the sale of said bonds.

Adopted 5/27/05.

Resolution 2005R-323, ordering the work to proceed and adopting the special assessments for the Irving Av N Sanitary Sewer Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-323
By Colvin Roy and Johnson

Irving Avenue N Sanitary Sewer, Project No 4376

Ordering the work to proceed and adopting the special assessments for the Irving Av N Sanitary Sewer Project.

Whereas, a public hearing was held on May 17, 2005, in accordance with Chapter 429 of the Minnesota Statutes, and Chapter 9, Section 4 and Chapter 10, Section 6 of the Minneapolis City Charter to consider the proposed improvements as designated in Resolution 2005R-163, passed April 1, 2005 to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-163, passed April 1, 2005.

Be It Further Resolved that the City's portion of the costs for the public sanitary sewer in the amount of \$45,487 be paid from the PW-Sewer Construction Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001).

Be It Further Resolved that the special assessments in the total amount of \$59,955 be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that for the Irving Av N Sanitary Sewer Project, the number of successive equal annual principal installments by which the special assessments may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Adopted 5/27/05.

Resolution 2005R-324, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$60,000 for the purpose of paying the assessed cost of sanitary sewer improvements in the Irving Av N Sanitary Sewer Project No 4376, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-324
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis bonds in the amount of \$60,000 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of sanitary sewer improvements in the Irving Av N Sanitary Sewer Project No 4376 to be assessed against benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/27/05.

RESOLUTION 2005R-325
By Colvin Roy and Johnson

Amending The 2005 Capital Improvement Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the PW-Sewer Construction-Capital Agency in the Sewer Enterprise Fund (7300-932-9322-SW001) by \$59,955 and increasing the revenue source (7300-932-9322-3880) by \$59,955.

Adopted 5/27/05.

T&PW & W&M/Budget - Your Committee, having under consideration the 2005 Alley Retaining Wall Restoration Program, No. FS05#2, now recommends passage of the accompanying Resolutions:

a) Ordering the work to proceed and adopting the special assessments in the amount of \$13,500; and

b) Requesting the Board of Estimate and Taxation to issue and sell assessment bonds in the amount of \$13,500.

Adopted 5/27/05.

Resolution 2005R-326, ordering the work to proceed and adopting the special assessments for the 2005 Alley Restoration Program (Alley Retaining Wall replacement at 5333 Girard Av S and 5337 Girard Av S), was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-326
By Colvin Roy and Johnson

**2005 Alley Retaining Wall Restoration Program,
Special Improvement of Existing Alleys No FS05#2**

Ordering the work to proceed and adopting the special assessments for the 2005 Alley Restoration Program (Alley Retaining Wall replacement at 5333 Girard Av S and 5337 Girard Av S).

Whereas, a public hearing was held on May 17, 2005 in accordance with Chapter 10, Section 6, of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances to consider the proposed improvements as designated in Resolution 2005R-162, passed April 1, 2005, to consider the proposed special assessments as on file in the office of the City Clerk and to consider all written and oral objections and statements regarding the proposed improvements and the proposed special assessments;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Engineer is hereby ordered to proceed and do the work as designated in said Resolution 2005R-162, passed April 1, 2005.

Be It Further Resolved that the proposed special assessments in the total amount of \$13,500, on file in the office of the City Clerk, be and hereby are adopted and assessed against the benefited properties.

Be It Further Resolved that the number of successive equal annual principal installments by which the special assessments for alley retaining wall restoration may be paid shall be fixed at twenty (20) and that the interest be charged at the same rate as the assessment bonds are sold for, with collection of the special assessments to begin on the 2006 real estate tax statements.

Adopted 5/27/05.

Resolution 2005R-327, requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$13,500 for the purpose of paying the assessed cost of alley improvements in the 2005 Alley Retaining Wall Restoration Program, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-327
By Colvin Roy and Johnson

Requesting the Board of Estimate and Taxation to issue and sell City of Minneapolis Bonds in the amount of \$13,500 for certain purposes other than the purchase of public utilities.

Resolved by The City Council of The City of Minneapolis:

That the Board of Estimate and Taxation be requested to incur indebtedness and issue and sell City of Minneapolis bonds for the purpose of paying the assessed cost of alley improvements in the 2005 Alley Retaining Wall Restoration Program, Special Improvement of Existing Alleys No FS05#2, to be assessed against the benefited properties as estimated by the City Council, which assessments shall be collectible in twenty (20) successive annual installments, payable in the same manner as real estate taxes.

Adopted 5/27/05.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute a contract with Certegy Check Services, for a period of two years with the option to renew, to provide check guarantee services for the Minneapolis Impound Lot.

Adopted 5/27/05.

T&PW & W&M/Budget - Your Committee recommends acceptance of the bid submitted to the Public Works Department on O.P. #6421 from Hawkins, Inc., for an estimated annual expenditure of \$124,000, to furnish and deliver hydrochloric acid.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said service, all in accordance with City specifications and contingent upon approval of the Civil Rights Department. (Petrn. No. 270432)

Adopted 5/27/05.

The **WAYS & MEANS/BUDGET** Committee submitted the following reports:

W&M/Budget - Your Committee, having held a public hearing to consider the 2006 Nicollet Mall Operating Budget, now recommends passage of the accompanying resolutions:

- a) Approving the 2006 Nicollet Mall Operating Budget in the amount of \$1,263,101 as recommended by the Nicollet Mall Advisory Board; and
- b) Directing the City Engineer to prepare an assessment roll setting forth the amount to be partially assessed against properties in the district as may be deemed appropriate by the City Council; and
- c) Amending the 2005 General Appropriation Resolution by increasing the Nicollet Mall 2005 Appropriation by \$807,677, to equal the revised budget adopted by the Nicollet Mall Advisory Board.

Adopted 5/27/05.

Resolution 2005R-328, approving the 2006 Nicollet Mall Operating Budget, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-328
By Johnson

Approving the 2006 Nicollet Mall Operating Budget and accepting adjustments to the 2005 Nicollet Mall Operating Budget.

Resolved by The City Council of The City of Minneapolis:

That the estimated cost of improving, operating and maintaining the Nicollet Mall for 2006, an adjustment to the 2005 Appropriation to include unexpended balances from 2004 submitted by the City Engineer in accordance with Subd. 1, Section 420.102, Minnesota Statutes, be approved as follows:

Category 1 - Amount to be charged against the General Funds of the City	\$ 69,395
Category 2 - Amount to be charged against benefited properties in Proportion to benefits	\$1,167,225
Category 3 - Amount to be specially taxed against properties after Deductions under categories 1 and 2, and rental fees	\$ 0
Rental received from vendors and other use	\$ 26,481
Total amount required for 2006 improvements, operations and maintenance, prior Years carry forward of unexpended balance and adjusted costs	\$1,263,101

Be it Further Resolved that the City Engineer be directed to prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited properties, in the district in proportion to benefits, descriptions of such properties and the names of the owners of such properties so far as such names are available to the City Engineer, and that the City Engineer confer with the Nicollet Mall Advisory Board in the preparation of such assessment roll.

Adopted 5/27/05.

RESOLUTION 2005R-329

By Johnson

Amending the 2005 General Appropriation Resolution.

Resolved by the City Council of the City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Public Works - Streets & Malls Agency in the General Fund (0100-607-6130) by \$807,677.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution authorizing settlement of legal matters, as recommended by the City Attorney.

Adopted 5/27/05.

Resolution 2005R-330, authorizing settlement of the legal claims of Michelle Gearld, and Felicia and James Ricks, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-330

By Johnson

Authorizing legal settlements.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with settlement of the following:

- a) Michelle Gearld, by payment of \$6,500 to Ms. Michelle Gearld; and her attorney, Justin Fox; and
- b) Felicia Ricks and James Ricks, by payment of \$3,700 plus certain non-monetary relief to Ms. Felicia Ricks and Mr. James Ricks; and

Be It Further Resolved that the proper City officers be authorized to execute any documents necessary to effectuate said settlements.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into a three year \$50,000 contract with Kirby A. Kennedy & Associates and Pat Carl & Associates to provide court reporting services.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends concurrence with the recommendation of the City Attorney that the proper City officers be authorized to enter into a three year \$75,000 contract with You've Been Served, Inc. to provide courier services.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to:

a) Terminate existing contract with CYBERCHANNEL, INC. d/b/a LegalEdge Software; and

b) Negotiate and execute a contract with RealLegal, LLC to provide a Case Management System to support the City Attorney's Office.

Johnson moved that the report be amended by adding the following:

"Your Committee further recommends that the City Attorney's Office be authorized to initiate all necessary legal proceedings against CYBERCHANNEL, INC. d/b/a LegalEdge Software." Seconded.

Adopted upon voice vote.

The report, as amended, was adopted 5/27/05.

W&M/Budget - Your Committee recommends passage of the accompanying Resolution approving three construction change orders for the New Central Library Project.

Adopted 5/27/05.

Resolution 2005R-331, approving construction change orders for the New Central Library Project, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-331

By Johnson

Approving Change Order for the New Central Library Project.

Resolved by The City Council of The City of Minneapolis:

That the following change orders be approved:

a) Change Order #6 increasing Contract #C-20366 with Egan Companies, Inc. d/b/a Egan Mechanical by \$94,543 to cover 15 change orders, for a new contract total of \$9,242,610; and

b) Change Order #5 increasing Contract #C-20481 with PCL Construction Services, Inc. by \$480,231 to cover 22 change orders, for a new contract total of \$19,249,719; and

c) Change Order #5 increasing Contract #-20345 with Egan Companies, Inc. d/b/a Egan McKay Electrical by \$428,055 to cover 17 change orders, for a new contract total of \$9,255,921.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends approval of a utility bill insert for the July 2005 billing on behalf of the Public Works Department, Solid Waste Division announcing the "household hazardous waste drop-off sites and schedules."

Adopted 5/27/05.

W&M/Budget - Your Committee recommends that the Communications Department and City Attorney's Office be directed to develop options for oversight of elected officials' newsletters/website content and use of photos.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to accept funds from the General Mills Foundation in the amount of \$10,000 to be used for the renovation of the Northeast Neighborhood Gateway located at Central and Broadway Avenues.

Your Committee further recommends passage of the accompany resolution increasing the Operating Budget of the Planning Division to reflect the receipt of said funds.

Adopted 5/27/05.

RESOLUTION 2005R-332

By Johnson

Amending The 2005 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation for the Community Planning and Economic Development Agency in the Grants - Other Fund (0600-890-8962) by \$10,000, and increasing the revenue source (0600-890-8962-Source 3755) by \$10,000.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends acceptance of the bid received on OP #6439 from Swanson & Youngdale, Inc. in the amount of \$92,715 to furnish all materials, equipment and incidentals necessary for the installation of wall fabric.

It is further recommended that the proper City officers be authorized and directed to execute a contract for said services all in accordance with City specifications and contingent on approval of the Civil Rights Department.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into contract with US Bank for Trust and Custody Services relating to the City's operating investments and VEBA plan.

Adopted 5/27/05.

Declining to vote - Zerby.

Approved by Mayor Rybak 6/1/05.

(Published 6/2/05)

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 3-year labor agreement with the Plumbers Local #15, Water Works Maintenance Unit, effective January 1, 2005 through December 31, 2007.

Adopted 5/27/05.

Resolution 2005R-333, approving the terms of a 3-year labor agreement with the Plumbers Local #15, Water Works Maintenance Unit, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-333

By Johnson

Approving the terms of a collective bargaining agreement with the Plumbers Local #15, Water Works Maintenance Unit and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the Plumbers Local #15, Water Works Maintenance Unit (Petr No 270442), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 30-month labor agreement with the International Union of Operating Engineers (I.U.O.E.), Local #49, effective July 1, 2003 through December 31, 2005.

Adopted 5/27/05.

Resolution 2005R-334, approving the terms of a 30-month labor agreement with the International Union of Operating Engineers (I.U.O.E.), Local #49, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-334

By Johnson

Approving the terms of a collective bargaining agreement with the International Union of Operating Engineers (I.U.O.E.), Local #49 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Union of Operating Engineers, Local #49 (Petr No 270442), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends passage of the accompanying resolution approving the terms of a 3-year labor agreement with the International Association of Fire Fighters (I.A.F.F.), Local #82, effective October 15, 2002 through October 14, 2005.

Adopted 5/27/05.

Resolution 2005R-335, approving the terms of a 3-year labor agreement with the International Association of Fire Fighters (I.A.F.F.), Local #82, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-335

By Johnson

Approving the terms of a collective bargaining agreement with the International Association of Fire Fighters (I.A.F.F.), Local #82 and authorizing execution and implementation of said agreement.

Resolved by The City Council of The City of Minneapolis:

That the executive summary of the collective bargaining agreement between the City of Minneapolis and the International Association of Fire Fighters, Local #82 (Petr No 270442), be approved.

Be It Further Resolved that the proper City officers be authorized to prepare and execute said collective bargaining agreement consistent with the terms of the executive summary and that the Human Resources Director be authorized to implement the terms and conditions of the collective bargaining agreement upon its execution.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends approval of the recommendation of the Director of Human Resources regarding classification of a new position of Assistant Chief of Police (Grade 17), effective May 25, 2005.

Your Committee further recommends passage of the accompanying Salary Ordinance establishing the salary for said position.

Johnson moved that the ordinance be amended by adding the following:

"Consistent with all other appointed positions within the Minneapolis Police Department that have been established by *Laws 1961*, Chapter 108, as amended by *Laws 1969*, Chapter 604 and *Laws 1978*, Chapter 580; the position of Assistant Chief shall be filled by the appointment of a licensed peace officer who, at the time of appointment:

- 1) is a member in good standing of the Minneapolis Police Department; and
- 2) has attained the permanent civil service classification of patrol officer; and
- 3) has completed at least nine years of service with the Minneapolis Police Department.

The Assistant Chief shall serve at the pleasure of the Chief and, if removed from the position of Assistant Chief, such employee shall have the right to return to his/her permanent civil service classification." Seconded.

Adopted upon a voice vote.

The report, as amended, was adopted 5/27/05. Yeas, 11; Nays 2 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Colvin Roy, Schiff.

Ordinance 2005-Or-047, amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel, establishing the salary for the newly classified position of Assistant Chief of Police, was passed 5/27/05 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2005-Or-047
By Johnson
1st & 2nd Readings: 5/27/05

Amending Title 2, Chapter 20 of the Minneapolis Code of Ordinances relating to Administration: Personnel.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the following classifications in Section 20.10.01 of the above entitled ordinance be amended to make the following changes effective May 25, 2005.

20.10.01 Council Jurisdiction.

The compensation of the listed classifications under City Council jurisdiction shall be provided in this Chapter.

The rates of pay herein provided shall be effective as of May 25, 2005, except as hereinafter provided, and shall apply to all persons in the employ of the City on or after the enumerated effective date, including those who have since such date retired or have been laid off through no fault or delinquency of such employee, but shall not apply to any employee heretofore separated from the service by voluntary resignation or through fault or delinquency on the part of such employee.

The rates stated herein shall be the annual salary rates unless stated otherwise.

APPOINTED OFFICIALS (CAP)

Effective May 25, 2005.

FLSA	OTC	CLASSIFICATION	P	Step A Start rate	Step B After 1 "A" year	Step C After 2 "B"	Step D After 3 "C"
E	1	Assistant Chief of Police	A	\$104,899	\$110,420	\$113,732	\$115,941

Consistent with all other appointed positions within the Minneapolis Police Department that have been established by *Laws 1961*, Chapter 108, as amended by *Laws 1969*, Chapter 604 and *Laws 1978*, Chapter 580; the position of Assistant Chief shall be filled by the appointment of a licensed peace officer who, at the time of appointment:

- 1) is a member in good standing of the Minneapolis Police Department; and
- 2) has attained the permanent civil service classification of patrol officer; and
- 3) has completed at least nine years of service with the Minneapolis Police Department.

The Assistant Chief shall serve at the pleasure of the Chief and, if removed from the position of Assistant Chief, such employee shall have the right to return to his/her permanent civil service classification.

Adopted 5/27/05. Yeas, 11; Nays 2 as follows:

Yeas - Benson, Goodman, Lane, Samuels, Johnson, Zimmermann, Zerby, Lilligren, Johnson Lee, Niziolek, Ostrow.

Nays - Colvin Roy, Schiff.

W&M/Budget - Your Committee recommends that the Department of Regulatory Services be authorized to apply for up to \$1,000,000 in funding from the US Department of Housing and Urban Development (HUD) grant program providing products to families to aid in reduction of asthma triggers for children.

Adopted 5/27/05.

W&M/Budget - Your Committee recommends that the Department of Regulatory Services be authorized to apply for \$25,000 in funds from the State of Minnesota Department of Health to be used for providing temporary lead-safe housing for families displaced by lead hazard reduction.

Adopted 5/27/05.

The **WAYS AND MEANS/BUDGET** and **ZONING AND PLANNING** Committees submitted the following reports:

W&M/Budget and Z&P - Your Committee recommends that the proper City officers be authorized to execute a contract with Maxfield Research Inc., in an amount not to exceed \$130,000, for the completion of a study of existing and future industrial uses and policies within the City of Minneapolis.

Adopted 5/27/05.

W&M/Budget and Z&P - Your Committee recommends that the proper City officers be authorized to execute a contract with Short Elliott Hendrickson Inc., in an amount not to exceed \$80,000, for the completion of a master plan for the Midtown Greenway project area.

Adopted 5/27/05.

The **ZONING & PLANNING** Committee submitted the following reports:

Z&P - Your Committee, having under consideration the appeal filed by Andy Wilhoit, dba At Home Apartments, 3000-10 W River Pkwy S, from the decision of the Planning Commission, notwithstanding staff recommendation, denying applications relating to the 36-unit apartment building a) to amend a conditional use permit to add five parking stalls at grade along the alley of 1030 W River Pkwy; b) for a variance to reduce the side yard setback from 9' to 5' for a parking stall; c) for a variance to reduce two-way drive aisle width from 22' to 7' along the alley; and d) for a variance for fence height to screen the parking at 3010 W River Pkwy S, now recommends that said appeal be denied and the decisions of the Planning Commission be upheld.

Adopted 5/27/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission in denying the petition of At Home Apartments (BZZ-2274) to rezone the property at 3010 W River Pkwy S from R1A to the R6 District to match the existing R6 zoning of 3000 W River Pkwy S, notwithstanding staff recommendation, and adopting the related findings prepared by the Planning Commission.

Adopted 5/27/05.

Z&P - Your Committee, having under consideration the appeal filed by Diane Thibodeaux from the decision of the Planning Commission which granted the application of T-Mobile for a conditional use permit for construction and maintenance of a 60-foot telecommunications tower at 2101 W Broadway Ave, now recommends that said appeal be denied, and the conditional use permit be approved, with an amended condition to change fence material around the base equipment to be wrought iron, together with landscaping, to be approved by City staff, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 5/27/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission denying the application of Ribnick Family Partnership (#1456) to vacate 3rd Ave N, northeasterly of 1st St N to extend the existing parking lot, and in lieu thereof, granting the vacation for the "upper" part of the street, subject to the revised legal description and the retention of easement rights, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said street.

Adopted 5/27/05.

Resolution 2005R-336, vacating the southerly half of 3rd Ave N, formerly Itaska St, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st St N, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet, except for that part described as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Ave N, southwesterly 50 feet on said centerline, then easterly, to the point of beginning, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-336

By Schiff

Vacating the southerly half of 3rd Avenue North, formerly Itaska Street, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st Street North, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet, except for that part described as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning (#1456).

Resolved by The City Council of The City of Minneapolis:

That all that part of southerly half of 3rd Avenue North, formerly Itaska Street, lying parallel and between a line 112 feet northeasterly of the northeasterly line of 1st Street North, and the northwesterly extension of the northeasterly line of Lot 1, Block 10, Town of Minneapolis, distant 50 feet, except for that part described as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to the City of Minneapolis: A storm sewer (tunnel) maintenance easement over the entire length (50 feet) and width (40 feet) of the southerly half of vacated 3rd Avenue North, in favor of the City of Minneapolis and a bicycle trail easement in favor of the City of Minneapolis Public Works Department, as follows: beginning at the northeasterly corner of Lot 1, Block 10, Town of Minneapolis; thence extending the northeasterly line of Lot 1, Block 10, northwesterly 40 feet to the center line of 3rd Avenue North, southwesterly 50 feet on said centerline, then easterly, to the point of beginning;

As to Xcel Energy and MCI: An easement over the entire proposed vacation area; to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.

Adopted 5/27/05.

Z&P - Your Committee concurs in the recommendation of the Planning Commission granting the application of Regents of the University of Minnesota (#1455) to vacate the east-west alley to the north of 2015 Bloomington Ave S for future development purposes, subject to retention of easement rights and subject to the condition that the applicant close the curbs on the alleys vacated within one year unless a new site plan is submitted, and to adopt the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying resolution vacating said alley.
Adopted 5/27/05.

Resolution 2005R-337, vacating all that portion of the alley lying adjacent to Lots 1-6, and 19, Foster's Addition to Minneapolis, being 258.1 feet in length and 16 feet in width (vicinity of 2015 Bloomington Ave S), according to the plat of record at Hennepin County Minnesota, was adopted 5/27/05 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2005R-337

By Schiff

Vacating all that portion of the alley lying adjacent to Lots 1-6, and 19, Foster's Addition to Minneapolis, being 258.1 feet in length and 16 feet in width, according to the plat of record at Hennepin County Minnesota (#1455).

Resolved by The City Council of The City of Minneapolis:

That All that portion of the alley lying adjacent to Lots 1-6, and 19, Foster's Addition to Minneapolis, being 258.1 feet in length and 16 feet in width, according to the plat of record at Hennepin County Minnesota is hereby vacated except that such vacation shall not affect the existing easement right and authority of Xcel Energy and Qwest, their successors and assigns, to enter upon that portion of the aforescribed alley which is described in regard to said corporation(s) as follows, to wit:

As to Xcel Energy: An easement over the north 10 feet of the proposed vacation area;

As to Qwest: An easement over the entire proposed vacation area;
to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said alley upon or within the above-described areas without first obtaining the written approval of the corporation(s) having utility facilities located within the area involved authorizing them to do so.

Adopted 5/27/05.

Z&P - Your Committee, having under consideration the environmental review process for the Pillsbury A Mill Complex, located between Main St and 2nd St SE from 3rd Ave SE to 5th Ave SE and continuing along Main St to 6th Ave SE, and having received the Findings of Fact and Record of Decision on the adequacy of the Final Environmental Impact Statement (FEIS), now determines that the FEIS, as set forth in Petn No 270447, to be adequate and that the findings contained therein be adopted.

Adopted 5/27/05.

MOTIONS

Schiff moved to adopt the Findings prepared by the City Attorney's Office in support of the action of the City Council on May 13, 2005 to deny The Cornerstone Group applications for conditional use permit for 123 dwelling units, a variance to reduce the south interior side yard setback from 11 feet to 8 inches for the building, and site plan review for the Machinery Lofts development at 2848 Pleasant Ave S and 2821 and 2825 Grand Ave S. Seconded.

Adopted 5/27/05.

UNFINISHED BUSINESS

PS&RS - Your Committee, having under consideration the property located at 3045 2nd Av S which has been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to acquire the property through the use of eminent domain, if necessary, legally described as Lot 13, Block 1, Baker's 2nd Addition to Minneapolis (PID #03-028-24-12-0014).

Lilligren moved to substitute the following motion for the above report. Seconded.

Adopted by unanimous consent.

Lilligren moved that based on the findings and record established through the utilization of Chapter 249 of the Minneapolis Code of Ordinances, the City is authorized and directed to acquire the property at 3045 2nd Avenue South through use of eminent domain or other applicable legal process; however, the execution of this order to acquire the property is stayed upon the condition that the property owner bring the first floor of the property into code compliance on or before August 15, 2005. The second floor of the property will be completed on or before October 15, 2005 when the temporary certificate of occupancy expires. Seconded.

Adopted 5/27/05.

PS&RS - Your Committee, having under consideration the properties located at 3936 and 3938 4th Av S which have been deemed by the Director of Inspections to constitute a nuisance condition within the meaning of Chapter 249 of the Minneapolis Code of Ordinances, now recommends that the proper City Officers be authorized to demolish said properties legally described as Lot 3, Block 2, Baker's 5th Addition to Minneapolis (PID #10-028-24-11-0223), in accordance with the Findings of Fact, Conclusions and Recommendations which are on file in the Office of the City Clerk and made a part of this report by reference.

Lilligren moved to substitute the following motion for the above report. Seconded.

Adopted by unanimous consent.

Lilligren moved that based on the findings and record established through the utilization of Chapter 249 of the Minneapolis Code of Ordinances, the demolition of the property at 3936-38 4th Avenue South is authorized and ordered; however, the execution of this order to demolish the property is stayed upon the condition that the property owner (1) demolish the structure at 3938 4th Avenue South in compliance with all applicable laws and ordinances and (2) obtain all necessary permits and comply with all applicable laws and ordinances to bring the property at 3936 4th Avenue South into code compliance on or before August 15, 2005. Seconded.

Adopted 5/27/05.

NEW BUSINESS

Ostrow introduced the subject matter of an ordinance amending Title 18, Chapter 468 of the Minneapolis Code of Ordinances relating to *Traffic Code: Violation Procedures*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 468.10 to allow service by U.S. Mail, amending Section 468.20 to allow a police officer to authorize service and to remove the requirement that the driver's license be included on the citation, amending Section 468.30 removing the requirement that the citation be issued in quadruplicate form, amending Section 468.40 removing the requirement that a copy of the citation be delivered to the chief of police and city finance officer).

Ostrow introduced the subject matter of an ordinance amending Title 18, Chapter 474 of the Minneapolis Code of Ordinances relating to *Traffic Code: Vehicle Operation*, which was given its first reading and referred to the Public Safety & Regulatory Services Committee (amending Section 474.650 to allow twenty-one (21) days to issue the citation).

Zimmermann introduced an ordinance amending Title 9, Chapter 172 of the Minneapolis Code of Ordinances relating to *Fire and Police Protection: Civilian Police Review Authority*, which was given its first reading and referred to the Health & Human Services Committee (amending Section 172.170(d) allowing the director of the civil rights department to have access to review investigative files for administrative purposes; and Section 172.180 allowing, but not requiring, the police officer identified in the complaint to attend the public portion of the hearing).

Niziolek moved to discharge the Public Safety & Regulatory Services Committee from further consideration of the On-Sale Beer License application submitted by Tin Fish, 1900 Knox Av S. Seconded.

Adopted upon a voice vote 5/27/05.

Niziolek moved to amend the Licenses Petition on Page 39, #356, to grant the application of SNP Enterprises LLC, dba Tin Fish, 1900 Knox Av S, for an On-Sale Beer Class E License (new business), to expire April 1, 2006, subject to final inspection and compliance with all provisions of applicable codes and ordinances. Seconded.

Adopted 5/27/05.

Ostrow moved to adjourn to Room 315 City Hall to consider the matter of Aaron Alexander and Dennis Burns v. City of Minneapolis et al. lawsuit. Seconded.
Adopted upon a voice vote 5/27/05.

Room 315 City Hall

Minneapolis, Minnesota

May 27, 2005 - 11:10 a.m.

The Council met pursuant to adjournment.

President Ostrow in the Chair.

Present - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Lane, Ostrow.

Absent - Schiff, Johnson Lee, Goodman.

Heffern stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the Aaron Alexander and Dennis Burns v. City of Minneapolis et al. lawsuit.

At 11:12 a.m., Lilligren moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Johnson Lee.

Present - Samuels, Johnson, Colvin Roy, Zimmermann, Zerby, Lilligren, Niziolek, Benson, Lane, Goodman (in at 11:17 a.m.), Ostrow.

Absent - Schiff, Johnson Lee.

Also present - Jay Heffern, City Attorney; Lynne Fundingsland, Assistant City Attorney; Peter Ginder, Deputy City Attorney; Charles Brown, Assistant City Attorney; Lucy Gerold, Deputy Police Chief (in at 11:16 a.m.), Merry Keefe, City Clerk; Peggy Menshek, City Clerk's Office.

Fundingsland summarized the Aaron Alexander and Dennis Burns v. City of Minneapolis et al. lawsuit from 11:15 a.m. to 11:30 a.m.

At 11:30 a.m., Lilligren moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Johnson Lee.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Ostrow moved to adjourn. Seconded.

Adopted by unanimous consent 5/27/05.

Absent - Schiff, Johnson Lee.

Merry Keefe,
City Clerk.

Unofficial Posting: 5/31/2005
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Corrections: 7/18/2005